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U. S. DEPARTMENT OF AGRICULTURE.

OFFICE OF EXPERIMENT STATIONS—BULLETIN 192.

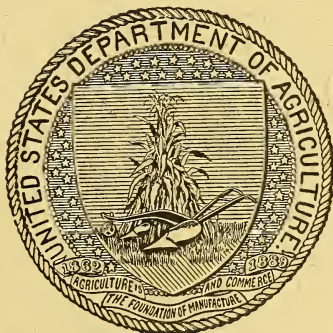
A. C. TRUE, Director.

IRRIGATION AND DRAINAGE LAWS
OF ITALY

TRANSLATED BY

R. P. TEELE,

Expert in Irrigation Institutions.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1907.

LIST OF PUBLICATIONS OF THE OFFICE OF EXPERIMENT STATIONS ON IRRIGATION AND DRAINAGE.

NOTE.—Publications marked with an asterisk (*) are not available for distribution.

- *Bul. 36. Notes on Irrigation in Connecticut and New Jersey. By C. S. Phelps and E. B. Voorhees. Pp. 64.
- *Bul. 58. Water Rights on the Missouri River and its Tributaries. By Elwood Mead. Pp. 80.
- Bul. 60. Abstract of Laws for Acquiring Titles to Water from the Missouri River and its Tributaries, with the Legal Forms in Use. Compiled by Elwood Mead. Pp. 77.
- Bul. 70. Water-right Problems of Bear River. By Clarence T. Johnston and Joseph A. Breckons. Pp. 40.
- *Bul. 73. Irrigation in the Rocky Mountain States. By J. C. Ulrich. Pp. 64.
- *Bul. 81. The Use of Water in Irrigation in Wyoming. By B. C. Buffum. Pp. 56.
- *Bul. 86. The Use of Water in Irrigation. Report of investigations made in 1899, under the supervision of Elwood Mead, expert in charge, and C. T. Johnston, assistant. Pp. 253.
- *Bul. 87. Irrigation in New Jersey. By Edward B. Voorhees. Pp. 40.
- *Bul. 90. Irrigation in Hawaii. By Walter Maxwell. Pp. 48.
- Bul. 92. The Reservoir System of the Cache la Poudre Valley. By E. S. Nettleton. Pp. 48.
- Bul. 96. Irrigation Laws of the Northwest Territories of Canada and of Wyoming, with Discussions by J. S. Dennis, Fred Bond, and J. M. Wilson. Pp. 90.
- Bul. 100. Report of Irrigation Investigations in California, under the direction of Elwood Mead, assisted by William E. Smythe, Marsden Manson, J. M. Wilson, Charles D. Marx, Frank Soulé, C. E. Grunsky, Edward M. Boggs, and James D. Schuyler. Pp. 411.
- *Bul. 104. The Use of Water in Irrigation. Report of investigations made in 1900, under the supervision of Elwood Mead, expert in charge, and C. T. Johnston, assistant. Pp. 334. (Separates only.)
- *Bul. 105. Irrigation in the United States. Testimony of Elwood Mead, irrigation expert in charge, before the United States Industrial Commission, June 11 and 12, 1901. Pp. 47.
- *Bul. 108. Irrigation Practice Among Fruit Growers on the Pacific Coast. By E. J. Wickson. Pp. 54.
- Bul. 113. Irrigation of Rice in the United States. By Frank Bond and George H. Keeney. Pp. 77.
- Bul. 118. Irrigation from Big Thompson River. By John E. Field. Pp. 75.
- *Bul. 119. Report of Irrigation Investigations for 1901, under the direction of Elwood Mead, chief. Pp. 401. (Separates only.)
- Bul. 124. Report of Irrigation Investigations in Utah, under direction of Elwood Mead, chief, assisted by R. P. Teele, A. P. Stover, A. F. Doremus, J. D. Stannard, Frank Adams, and G. L. Swendsen. Pp. 330.
- Bul. 130. Egyptian Irrigation. By Clarence T. Johnston. Pp. 100.
- Bul. 131. Plans of Structures in use on Irrigation Canals in the United States, from drawings exhibited by the Office of Experiment Stations at Paris, in 1900, and at Buffalo, in 1901, prepared under the direction of Elwood Mead, chief. Pp. 51.
- *Bul. 133. Report of Irrigation Investigations for 1902, under the direction of Elwood Mead, chief. Pp. 266.
- Bul. 134. Storage of Water on Cache la Poudre and Big Thompson Rivers. By C. E. Tait. Pp. 100.
- Bul. 140. Acqurement of Water Rights in the Arkansas Valley, Colorado. By J. S. Greene. Pp. 83.
- Bul. 144. Irrigation in Northern Italy—Part I. By Elwood Mead. Pp. 100.
- Bul. 145. Preparing Land for Irrigation and Methods of Applying Water. Prepared under the direction of Elwood Mead, chief. Pp. 84.

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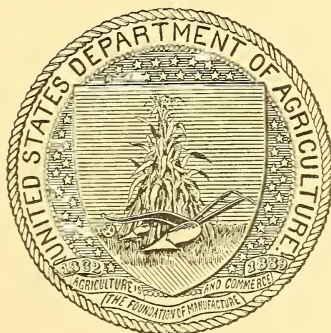
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THE OFFICE OF EXPERIMENT STATIONS.

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LETTER OF TRANSMITTAL.

U. S. DEPARTMENT OF AGRICULTURE,
OFFICE OF EXPERIMENT STATIONS,
Washington, D. C., June 1, 1907.

SIR: I have the honor to transmit herewith a translation of the irrigation and drainage laws of Italy, made by R. P. Teele, of this Office, under the direction of Dr. Elwood Mead, chief of Irrigation and Drainage Investigations.

As the supply of lands in this country which can be successfully farmed without irrigation or drainage is becoming exhausted the legal problems connected with these two forms of agricultural improvement are of increasing importance.

Both irrigation and drainage require the cooperation of the owners of large areas of land, and the exercise of certain public powers for securing rights of way, for making all lands benefited contribute to the expense of the improvements, and for policing the works when built. Some of our States have enacted laws covering these matters, many are now working on these lines, and the others must soon take up either irrigation or drainage legislation, or both. Italy has gone farther in such legislation than other foreign countries and a study of its laws will be of great benefit to this country at this time, when so many States are enacting such laws.

The publication of this translation as a bulletin of this Office is therefore recommended.

Respectfully,

A. C. TRUE,
Director.

HON. JAMES WILSON,
Secretary of Agriculture.

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INTRODUCTORY NOTE.

The irrigation laws which are given here cover the securing of rights to divert public waters, the organization of associations for irrigation similar to our own irrigation districts, and government aid to irrigation. The laws and regulations governing the operation of government canals are not included.

Some of these canals the government operates, leasing the water to associations and individuals in much the same way that it leases water directly from the streams. In some cases it leases entire canals, while other canals are sometimes operated by the government and sometimes operated under lease. Under canals operated permanently by the government leases are usually limited to periods of six years, although leases for single seasons are made. Leases including an entire canal have a maximum period of thirty years. Government canals are controlled by the minister of finance and his subordinates. This control includes the operation of canals as well as their management. The classification of canal officials and their salaries are fixed by law but their duties and places are assigned by officials of the treasury. These treasury officials inspect the canals and determine what repairs are necessary and attend to the distribution of water. The work of maintenance and repairs is usually done under contract, the estimates being made by the treasury officials and the contracts let by competitive bidding. Canals permanently leased are inspected by the government officials but repairs and maintenance must be by the lessee.

Canals sometimes leased and sometimes operated by the government are maintained by the government or the lessee according to the forms of contracts entered into, but the amount or nature of work to be done is determined by the government officials. Lessees from the government may sublet on any terms which they can make.

All the drainage laws are given except special acts relating to individual projects.

R. P. TEELE.

IRRIGATION AND DRAINAGE LAWS OF ITALY.

LAW CONCERNING THE DIVERSION OF PUBLIC WATERS.

August 10, 1884.

ART. 1. *Prohibiting the diversion of the public waters without legal title.* No one shall divert public waters, or establish any mill or other factory thereon, who has not a legal title or has not obtained a concession from the Government, which is subjected to the payment of an annual rental and the conditions established by this law.

ART. 2. *Concessions to be made by law or by royal decree.* Concessions are always made without prejudice to the rights of others. Perpetual rights to divert water may be granted only by law.

For lakes, sections of rivers forming boundaries, navigable water courses, and those the banks and dykes of which are such as to place them among hydraulic works of the second class,^a concessions for the use of water are made by royal decree, proposed by the ministry of finance, upon the advice of the provincial council interested, and observing those precautions which, in the opinion of the superior council for public works, are necessary to protect the proper regime of the stream, to maintain free navigation, and to protect the bordering lands.

ART. 3. *Concessions to be made by the prefect or by the minister of finance.* In all other public water courses concessions are made by the prefect in the council of the prefecture, on the advice of the board of civil engineers in case of conflict. When a diversion is of interest to the territory of two or more provinces, the concession is made by the prefect of the province in the territory of which the headworks are located. In case of opposition on the part of interested parties in another province the controversy shall be decided by the minister of public works on the advice of the superior council for public works, and the concession shall be granted by the minister of finance.

ART. 4. *Conditions regulating concessions and fixing the time for the execution of the works.* The documents relating to the concession shall state the quantity, manner, and condition of the diversion, and of the return of the water. where it shall be conducted and used, the guarantees asked in the interest of agriculture, of industry and of the public health, and shall state the annual rental to be paid to the State.

^a Hydraulic works of the second class are those maintained by the State, with contributions from the provinces, and from the parties interested joined in an association. These include dyked rivers, where the water runs between continuous dykes; new channels and the works connected therewith for the purpose of regulating the flow; and navigation canals lying in more than one province.

They shall fix the term in which the water shall be diverted and utilized, under penalty of the loss of the concession.

This term may be extended by new decree by the competent authority when good reason is shown for the delay in the execution of the work.

ART. 5. *The period of the concession shall not exceed 30 years but it may be renewed.* Temporary concessions shall be for a term not longer than 20 years, but after the expiration of this term the grantee has a right to obtain renewal of the concession for another term of 30 years and so on successively, except for such modifications as changed conditions at the places of use or in the water courses render necessary in the renewal of the concession. The renewal of the concession may be denied when, during the preceding 20 years, either through nonuse or abuse, the grantee has, in the opinion of the administration, failed to make a good use of the rights which are granted in the concession.

ART. 6. *Conditions governing change of use, or of works—Obligation to notify the prefecture of changes, under penalty of a fine.* The grantee is free to change the use and the mechanism of his works when there is no injury to other parties and when there is no change in the style of the works and in the quantity of water diverted, and in the point of restoring water to the streams.

Notice of the changes in the use shall be given to the prefecture under penalty of a fine equal to three times the annual rental due for the concession, except that the administration has the right to restore the works to their former condition at the expense of the grantee when the alterations result in damages.

ART. 7. *The necessity of a new concession for a change which includes an increase in the quantity of water.* For a change, as provided for in the preceding article, which contemplates an increase in the concession of water or in the power developed, the proceedings shall be the same as for a new concession and the payments shall be increased by rental proportional to the increased quantity of water or the increase in the power.

ART. 8. *Applications for new diversions—Communication to the provincial deputation and publication.* Applications for new diversions, accompanied by plans of the works to be built for the diversion, transportation and use of the water, shall be transmitted to the prefecture of the province and by it communicated to the provincial deputations of the provinces interested, for their consideration.

Such applications, with the plans, shall be published in the communes interested, after which the board of civil engineers shall make inspection of the places, inviting the applicants and those interested to be present.

The notices published shall state the times within which all interested parties shall present their objections, and the final action of the provincial deputation shall be taken within one month of the date of the communication.

Only after the following out of the administrative plan prescribed regarding objections, may the concession be granted.

ART. 9. *The necessity for application for changing the location, form or nature of the works authorized, or for making additions—Permission of the prefect in case of emergency.* When on account of changes in the public water courses or for any reason the grantee of a right of diversion desires to change the location, the form, or the nature of the works authorized, or to make any additions or other accessory works in the bed or on the banks, or wishes to increase or diminish the power developed, or the quantity of water diverted, he shall make application, accompanied by plans, with respect to which the proceedings shall be the same as those outlined in article 8.

In case of emergency, the prefect, on the advice of the board of civil engineers, may, in a provisional way, permit the work necessary for the reestablishment of the course of the water in the canal for diversion, or for the operation of mills or

other establishments, on condition that the grantee obligates himself to observe the conditions which shall be finally established.

ART. 10. *Obligation for the maintenance of the headworks of canals.* All proprietors, possessors, or users of water diverted from rivers or streams are obliged to maintain the headworks and necessary structures and to keep them in good condition. They are responsible for damages which can be shown to have resulted to lands in the vicinity, except such as can be proven to be due to "higher power."

These proprietors, possessors, and users shall be obliged to regulate their diversion works in such a manner that in times of flood there shall not be diverted into their respective canals more than they can carry, and shall provide in any event by means of sufficient wasteways that the excess water shall be carried off.

ART. 11. *Obligation to maintain without injury to the public the diversion works and gates as provided by administrative authority.* Those who have permanent diversions by means of open gates with dams, either permanent or temporary, stable or unstable, are obliged to provide for their maintenance in such a way that there will be no injury to either public or private interests, following the local customs, and shall maintain at said gates sufficient regulating works to control the admission of water and to execute such other works as the administrative authorities shall adjudge necessary, in case these customs do not guarantee sufficiently the safety of other interests.

ART. 12. *Vigilance of the public authority over the observation of the obligations imposed upon the grantees.* The observation of the obligations imposed upon the grantees in the articles of concession is subject to the vigilance of the public authorities in all cases which affect the public interests.

ART. 13. *The irresponsibility of the State to the grantees for damages to their interests by any changes made by reason of the public interests in the regime of the water courses named in article 2.* If by reason of the public interests during a concession there is made any modification in a water course included in article 2, the State shall not be held for any indemnity to the grantee except a reduction of the annual rental on the concession, which shall be diminished in proportion to the quantity of water diverted.

But the grantee, if the new local conditions permit, shall have the right to make, at his own expense, the works necessary to reestablish his diversion.

ART. 14. *Rules for the establishment of rentals.* The annual rentals for new concessions of public water shall be determined in accordance with the following rules:

For each module (100 liters per second) of potable water or water for irrigation without the obligation of returning the drainage or waste water, 50 lire per annum; with the obligation to restore the drainage and waste water, 25 lire per annum.

For the irrigation of lands by diverting water which is not susceptible of measurement so that it can be taxed by quantity, for each hectare 0.5 lire per annum.

For each nominal horsepower designed for power development, 3 lire per annum. The power upon which the tax is based shall be measured by taking into consideration the effective fall utilized by the wheels—that is, the difference in the levels between the water above and below the wheels.

ART. 15. *Free concessions.* Communes and charitable institutions which make requests for potable water to be distributed free to the inhabitants of the communes or to the inmates of the institutions shall be given free concessions.

ART. 16. *Reduction of rentals for the mixed use of irrigation and reclamation.* For concessions for the diversion of water for the mixed use for irrigation and

reclamation, the rental shall be reduced to one-half that established for irrigation without restoring the drainage and waste water, and for water to be used for reclamation alone to one-fifth.

To floating mills shall be applied the rental of 1 lire per nominal horsepower.

ART. 17. *Regulations for determining rental for mills and other establishments operated intermittently.* For mills and other establishments, which, on account of the scarcity of water, are able to run only intermittently, the rental shall be determined by the average horsepower developed during the year.

In no case shall the annual rental be less than 3 lire.

If concessions are for the purpose of irrigation with winter water only, which use is limited by the rules of civil code (article 624) to the period between the autumnal and the spring equinoxes, the rental fixed in article 14 shall be reduced to one-half.

ART. 18. *Inapplicability of the rentals established in article 14 to diversions of water from canals belonging to the State.* The rentals established in article 14 are not applicable to waters diverted from canals belonging to the State.

ART. 19. *The right of the holder of a concession of water for irrigation to use it for power—Necessity for a special concession for using water granted for power development for irrigation—Determination of the rental.* Where there is no damage to others and after a previous notice to the prefect the grantee of water for irrigation shall have the right to use it also for the development of power, but the grantee of water for power shall not have the right to use it for irrigation except by a special concession.

In every case of a double use the tax shall be the higher of the two.

When the notice to the prefect is omitted the provisions of article 6 shall be applied.

ART. 20. *Abrogation of chapter 5, title 3 of the law of March 20, 1865, relating to public works.* Chapter 5, title 3 of the law of March 20, 1865, No. 2248, Appendix F, is hereby abrogated.

ART. 21. *The power of the prefects and of the minister of public works to authorize the works indicated in article 170 of the law relating to public works.* The works indicated in article 170 of this same law are from this time to be authorized by the prefects when they are to be executed in nonnavigable water courses and those not included in the list of hydraulic works of the second class.

ART. 22. *Punishment for offenses against the provisions of the present law.* Offenses against the provisions of the present law shall be punished by imprisonment and by fines, which may amount to 500 lire, in conformity with the provisions of article 374 of the above cited law relating to public works.

ART. 23. *Applicability of the provisions of articles 376, 377, 378, and 379 of the law relating to public works to matters covered by the present law.* The provisions of articles 376, 377, 378, and 379 of the law cited relating to public works, are also applicable to matters contained in the present law.

ART. 24. *Efficacy of title by possession during 30 years previous to the promulgation of the present law.* For the effects of article 1 of the present law, possession during 30 years previous to the promulgation of this law shall have the effect of giving title in all cases as against the State.

ART. 25. *Formation, publication, and approval of the list of public waters.* Under the direction of the minister of public works there shall be made a list of the public waters in the territory of each province of the kingdom, and these lists shall be published in all the provinces interested in the water courses.

Parties interested shall have the right to present within a period of three months their objections.

The list shall be approved by royal decree upon the advice of the provincial councils of the provinces interested in the water courses, upon the advice of the council of public works and of the council of state, except that in case of controversies the matters may be referred to the courts.

ART. 26. *Formation, publication, and preservation of the lists or "catastos" of the diversions of public waters.* In each province, under the direction of the ministry of public works, there shall be formed, published and kept a list or "catasto" of the diversions of public waters.

ART. 27. *Statements to the prefect by the users of public waters, procedure, terms, and fines in cases of omission.* For the formation of the lists or catastos provided for in article 26, all the users of public waters shall make statements to the prefects of their respective provinces.

These statements shall show:

(1) The location of the headworks and of the place where the water is restored to the stream.

(2) The use to which the water is put.

(3) The approximate quantity of water used, which may be designated simply by indicating the area irrigated, or the nature and importance of the works served.

(4) The nature of the title, or lacking this, the period of possession.

These statements shall be made within two years from the publication of the lists of the public waters in each province.

After the expiration of this period the users who have not made statement shall be subject to a fine equal to the annual rental which they should have paid.

An equal fine shall be imposed for each successive year during which the declaration is not made, but after three years the administration may suspend the use of water.

The fines shall be imposed by the civil tribunal or by the pretor, according to their respective jurisdictions.

ART. 28. *The time within which this law shall be in force.* This law shall be in force within six months after its promulgation, and within that time shall be published the regulations establishing the rules for its execution.

We ordain, etc.

Dated at MONZA, August 10, 1884.

REGULATIONS FOR THE EXECUTION OF THE LAW OF AUGUST 10, 1884, CONCERNING THE DIVERSION OF PUBLIC WATERS.

CHAPTER I. APPLICATIONS AND RELATING DOCUMENTS.

ART. 1. Any one who intends to divert by dams, either temporary or permanent, the public waters for any purpose, or to establish in them power plants, shall present an application to the prefect or through him to the minister of finance according to whether the public water which it is intended to divert or the power plant which it is intended to establish is among those contemplated in article 3 or among those contemplated in article 2 of the law of August 10, 1884, except as provided in article 38 of the present regulations in case the application refers to a floating mill. The application may be presented pending the organization of an association or a civil or commercial society for the use of the concession.

The provisions of article 2 of the law are applicable also to the higher branches not navigable and not included in the works of the second class as regards the water courses considered in this article.

Concessions for appropriating water from the water courses included in

articles 2 and 3 of the law of August 10, 1884, by means of movable or semifixed pumps or by siphons over the banks or similar machines, shall be made by the prefect, who is advised by the board of civil engineers, according to the rules contained in article 38 of the present regulations, on condition:—(1) that the discharge is not greater than 100 liters per second; (2) that it does not damage in any way the bed or banks and does not contemplate the construction of walls; (3) that the period of such concessions is not to exceed one year. However, they may be renewed from year to year by successive concessions when the board of civil engineers continues to favor the concession.

ART. 2. An application which has for its object a “grand” diversion shall be accompanied by a plan compiled according to the rules established in Appendix A (p. 29). To determine whether an application relates to a “grand” diversion, under the present regulations, attention shall be given to the quantity of water, the importance of the interests affected, and the nature of the works necessary.

In every case these shall be considered “grand” diversions which shall have for their object the construction of navigable canals and those which exceed the following limits:

- (a) If the diversion is for power, 200 horsepower or 100 modules.
- (b) If the water is for drinking, 100 liters per second.
- (c) If for irrigation, 10 modules.
- (d) If for maceration of textile plants, 5 modules.
- (e) If for reclamation of land by warping, 30 modules.

When the diversion is for mixed uses the limits shall be fixed for the predominating purpose, and in case of uncertainty the limits shall be the least among those stated.

For diversions by free gates those shall be considered “grand” diversions for which the average discharge required by the use to which the water is to be put exceeds the respective limits indicated.

ART. 3. Other applications having for their object diversions of water shall be accompanied by the following documents:

(1) A topographic map upon which shall be clearly indicated all the works which it is intended to make in the bed or on the banks of the public water course. This map shall include so much of the adjoining territory as is necessary to show its relation to the works. This shall be on a scale of not less than 1 to 2,000. If the distance between the headgates and the point of restoring the water to the stream exceeds 2 kilometers the scale may be reduced as necessary to a proportion of 1 to 10,000. In all cases there should be, however, attached a partial plan on the scale of 1 to 2,000, showing the works for diverting the water and the land adjoining.

(2) Longitudinal and transverse profiles of the bed or basin from which it is proposed to divert the water. On these profiles shall be shown the ordinary level of the water, the maximum level, and the elevation of the works to be made at the head of the diverting canal.

There shall also be attached longitudinal profiles and sections of the diverting canal, on which shall be indicated the bed, the banks, the embankments and the ordinary and maximum water levels. Also the crossings of existing canals throughout the length of the canal.

These profiles shall refer to a fixed horizontal base line and to one or more monuments.

On the longitudinal profiles the scale of distance shall be the same as that on the map and the vertical scale shall be at least ten times as great.

(3) A report which shows the harmlessness of the proposed works with respect to the rights of others and to the regime of the public waters and showing that the water to be diverted will not damage other canals, roads or property

in general, either by overflow or seepage. This report shall contain also a description of the proposed works, and a statement of the use or uses to which the water to be diverted is to be put. It shall show also the nature, the form, and the dimensions of the dam, and if this is to be temporary it shall show also the conditions to which the stream is to be restored without the necessity for special authorization.

It shall also show the horsepower of 75 kilogrammeters which can be obtained with the water to be diverted; the manner in which this power shall be calculated in accordance with the provisions of article 14 of the law; and shall indicate the maximum quantity of water which shall not be exceeded, and the average diversion upon which the rental is to be based, showing how these limits are to be calculated and what provision is made to avoid exceeding the maximum.

If the diversion is applied for for the purpose of irrigation or of reclamation, the report should indicate the discharge, expressed in modules, according to article 622 of the civil code: the nature of the lands to be irrigated or to be reclaimed and their area in hectares. If a diversion is to be by a free gate there shall be shown in addition the boundaries of the area to be irrigated or reclaimed, attaching the map, which may be a copy of the assessor's map or of the map of the Military Technical Institute.

If the diversion is to serve for drinking, the report shall give the information necessary to show the importance of the proposed concession with relation to the conditions of the center or centers of population which it is proposed to serve.

If the diversion is asked for the purpose of providing water for the maceration of textile plants the report shall show the location of the country served, the quantity of the product to be macerated, the location of the distributing canals, and the place of returning the unused water, showing that the canals are perfectly adapted to the purpose and that the unused water will not be wasted. In all other respects applications for water for this purpose are subject to the provisions relating to irrigation so far as they are applicable.

There shall be attached to each application a certificate of the local commission of hygiene, which shall state that there is no objection to the operation of the projected maceration and which shall prescribe the conditions and rules under which it shall be operated, with regard to the public safety.

ART. 4. For power plants to be established in the public waters, each application shall be accompanied by a map of the place and its immediate surroundings on a convenient scale and a section, on the same scale, of the part of the stream on which it is desired to place the plant. To this shall be added the design of the hydraulic motors and a calculation of the power in terms of horsepower, in which shall be taken into account the intermittence of the flow of water when such is the case; and a report showing the harmlessness of the works proposed with respect to the regime of the public waters and the rights of others.

ART. 5. In case the diversion or the power plant to be established on the public waters is of very small size the prefect, with the consent of the board of civil engineers, may dispense with the presentation of any of the technical documents indicated in the preceding article and the use of the scale there fixed, reserving always to the prefect or the minister of public works, according to their respective jurisdictions, the right to demand any other necessary statements or documents.

ART. 6. The documents indicated in articles 2 and 3 of the present regulations shall be signed by an engineer; those indicated in article 4 shall be signed by a civil architect, an agricultural expert, or a surveyor. Such documents shall be stamped according to the terms of the law.

CHAPTER II. PROCEDURE.

ART. 7. The prefect shall request from the board of civil engineers a preliminary examination of each application. After receiving the advice of this board and, except for the provisions of articles 8 and 9 of the present regulations, if he considers that the public interests are not opposed to the granting of the application and if he recognizes the regularity of the documents according to the rules of the preceding articles and that the law regarding stamps has been complied with, he shall proceed according to these instructions.

If he considers that no public interests are opposed to the granting of the application, but that the documents do not agree with the terms of the preceding articles, or with the law on stamps, he shall request the applicant to correct or complete the documents within a fixed time. If this is not done the application shall be suspended by a decree of the prefect and if it is presented again it shall take date according to the effect of the following article on the day of the new presentation.

When the prefect considers any of the reasons above indicated to be opposed to the granting of the application, he shall reject the application by a decree approved by the local inspector of the board of civil engineers, if this is within the terms of the law and within the jurisdiction of the prefect. If it belongs to the jurisdiction of the central administration he shall transmit it to the minister of agriculture, industry and commerce, who shall transmit it with his own opinion to the minister of public works; that minister shall transmit it to the minister of finance stating whether in regard to the hydraulic aspects or as relating to the public works the opinion of the prefect is sustained.

In this last case and in general if it is recognized that in any respect the prefect should be sustained, the minister of finance shall provide for the rejection of the application. In all other cases, except always for the provision of articles 8 and 9, he shall order the prefect to proceed according to these instructions.

ART. 8. Among several applications accompanied by the documents prescribed by the present regulations and having for their object in whole or in part the same concession, that one shall be preferred which is presented at the earliest date.

This rule may be suspended when the public interests favor the acceptance of any of the applications subsequently presented.

ART. 9. In cases provided for in the preceding article when it is not intended to suspend the rule of priority of presentation, the instructions shall be followed out for the application first presented only.

If this is accepted the other applications shall be rejected by the same decree. If, however, it is rejected, the others shall be taken into consideration in conformity with the provisions of the regulations.

When it is considered advisable to investigate as to whether there is sufficient reason for suspending the rules of priority of presentation, these instructions shall be followed out contemporaneously for all of the applications, and upon the advisability of suspending the rule there shall always be asked the vote of the bodies and officers stated in the preceding articles.

ART. 10. Having determined the regularity of the application and of the documents, except in cases which shall come within the provisions of article 7, the prefect shall communicate the application to the provincial deputations of the provinces interested for their consideration.

In the cases contemplated in article 2 of the law of August 10, 1884, the same prefect, either directly or through some other competent prefect, shall ask the advice of the provincial councils of the provinces above mentioned.

Contemporaneously with the communication above mentioned, the prefect shall provide by decree for the publication of the application. This decree shall be posted for fifteen days in the government buildings of all the communes interested.

The decree shall also be inserted among the legal notices of the provinces interested and be communicated to the local inspector of the proper board of civil engineers, who shall present his observations either directly or through the board of civil engineers.

The prefect may provide that the above mentioned decree shall be sent to the associations, corporations, and private parties who are known to be interested; but it must always be called to the attention of the provincial deputations interested and when the concession applied for affects the interest of agriculture, the agricultural committee must be notified.

The application and the relating documents shall be deposited in the office of the commune in which the headworks are located or in which the section of the public waters on which it is proposed to establish a power plant is located. If the concession applied for is of interest to several communes, the application shall be deposited in the office of the prefecture or the subprefecture of the district in which the communes are located.

This depositing of the application shall continue for fifteen days after the posting and publication above mentioned. During this period the application and the documents may be examined by any one.

ART. 11. The decree mentioned in the preceding article shall contain a clear statement of the application and of the plans, indicating the office or the offices in which the application and the documents are deposited, the days and the hours during which these may be inspected by the public, and the days and the hours when the site of the proposed work will be inspected as prescribed in article 8 of the law of August 10, 1884.

It shall provide that those interested shall be allowed to intervene in this inspection with the assistance of their experts and may present their claims either during the time that the application is on inspection or on the occasion of the above-mentioned official inspection.

The date for the local inspection shall be fixed at not less than one month after the communication of the application to the provincial deputations and not less than eight days after the expiration of the time fixed for the deposit of the documents.

The decree above mentioned shall provide, when necessary, for the observation of the formalities prescribed by the law of expropriation for public use.

The publication provided for in the preceding article may take the place of that required by articles 4 and 17 of the law of expropriation, and there shall be received and examined during this time also any objections which may be made to the declaration of public utility or to the plans, providing the plans joined to the application satisfy all conditions prescribed in article 16 of the law of June 25, 1865. The published decree of the prefect shall indicate the double purpose of the application, that is, of diverting water, and of the declaration of the public utility of the works.

ART. 12. The local inspection shall be made by the chief engineer of the board of civil engineers for the hydraulic district in which it is proposed to make the diversion or to establish the power plant or by some other engineer or assistant of the board delegated by him.

If the concession applied for is of interest to other provinces or other hydraulic districts, they may take part in the inspection by their respective chiefs of the boards of civil engineers or other representatives.

In this official inspection the civil engineers shall determine whether the plans correspond to the local conditions and in case there is disagreement, they shall make note of the observations, of the documents and the testimony produced, of the claims of those interested, and of the explanations made by the applicants. All these things shall be included in the report, which shall be signed by those taking part in the inspection.

ART. 13. The chief engineer of the board of civil engineers shall transmit to the prefect a report of the inspection, accompanied by a discussion in which there is shown his own opinion upon the advisability of the granting of the concession and upon the practicability of the works projected, having regard to the public interest, to previous concessions, and, in general, to the rights of others, and proposing such modifications and safeguards as he deems necessary to avoid any damage to public or private rights.

This report shall deal principally with the following points and shall furnish particulars on these points:

A. If the application is for a diversion:

I. Upon the quantity of water which may be granted, having regard to the local conditions and to the use to which the water is to be put; the length and slope of the canals for diversion and for restoring the water to the stream, in order that they may not exceed the needs of the proposed works and may not prejudice other possible concessions.

II. Upon the location, the length, the height, the form, and the nature of the dam which it is proposed to make in the public water course and upon its harmlessness to the rights of the public or of private parties.

III. Upon the form and the dimensions of the diversion gates and of the structures and mechanisms necessary for keeping the diversion of water within the limits of the concession, and to prevent at all times, especially during floods, the diversion of more water than the canals can carry, whether the works are new or whether it is intended to use in whole or in part existing canals, taking into account the section and the slope of the wasteways which are to be provided for discharging the water.

IV. Upon the manner of restoring the water to its original course without damage to the rights of others or to the regime of the stream.

V. Upon the precautions which should be prescribed for the reconstruction of the dam, if it is to be temporary.

B. If it is proposed to establish a power plant upon public waters—

I. Upon the distance of the plant from the banks, in case it does not occupy the entire bed or basin of the waterway.

II. Upon the means of access to the plant, for the purpose of insuring that it will not injure the banks or embankments.

III. Upon the precautions to be taken against damage by flood.

C. If for both a diversion and a power plant to be established on public waters—

I. Upon the compatibility of the concession with the hydraulic regime and upon the guarantees to be demanded for the maintenance of that regime.

II. Upon the rules to be prescribed for the regular maintenance of the works, for the protection of the public interest and the safety of public works and property in general.

III. Upon the precautions which are necessary to prevent the pollution of the water.

IV. Upon the objections presented either before or at the time of the inspection, and upon all the local details which relate to the concession applied for.

V. Upon the importance of the object to be served by the diversion or the use of the power plant, as the basis for determining the rental which shall be

demanded under the terms of articles 14, 16, and 17 of the law of August 10, 1884.

VI. Upon the guarantees to be demanded in the interests of agriculture, of industry, of commerce, and of public health.

ART. 14. To the report of the inspection and the other reports and documents required, there shall be joined a separate sheet showing the proposed rules for operation and also a document showing the conditions by which the concession should be limited.

The rules for operation shall determine—

I. If the application is for a diversion:

(a) The quantity of water to be diverted, if the concession is for an absolute quantity.

(b) The maximum quantity which shall not be exceeded and the average quantity upon which the rental shall be based, in case the application is not for a fixed quantity.

(c) The fall in the water level between the headgate and the point of restoring the water to the stream.

(d) The available fall on the basis of which rentals shall be determined, in case the diversion is for power.

(e) The manner and the conditions of diverting and restoring the water.

(f) The manner and the conditions and the periods of time for conducting and using the water.

(g) In the case of a diversion by a free gate for agricultural use, the area to which the water is to be applied and its location and boundaries.

(h) In the case of dams or other temporary structures, the conditions which are demanded by the nature of the works, the course of the water, and especially the periods of time in which these works shall be maintained and the periods in which they shall be removed, and finally the periods in which they may be rebuilt on simple authorization from the prefect under the advice of the board of civil engineers.

(i) In case the diversion is for the maceration of textile plants the conditions and the rules for operation in conformity to the regulations prescribed by the local commissioner of hygiene in accordance with the last paragraph of article 3.

II. In case a power plant is to be established upon the public waters:

(a). The average annual horsepower to be developed, on which the annual rental shall be based.

(b) The precautions to be taken to avoid damage by flood.

(c) The manner and conditions of use.

III. For both a diversion and the establishment of a power plant upon public waters:

(a) The precautions to be observed in the interests of agriculture, of industry, of public health, and of the hydraulic regime.

(b) The annual rentals to be paid to the State and the times when they shall become due, except when the diversions are such as contemplated by article 15 of the law of August 10, 1884.

(c) The duration of the concession.

(d) The terms within which the grantee under penalty of the loss of the concession shall—

(1) Present the working plans;

(2) Begin the works;

(3) Finish the works.

When the application refers to a grand diversion under which the grantee will not use directly or at once all the water or all the power granted, the work may be divided into sections and the rental based on these sections. In

such a case the decree of concession shall state the separate periods for the execution of the work, fixing for each period the quantity of water or power which may be used and the corresponding rental.

(e) The deposit which shall be required, which shall not be less than the rentals for 2 years and the sum necessary to meet the expense of supervision and inspection of the works. In case the concession and the rental are divided into periods, the deposit shall be equal to 2 years' tax upon the entire concession. Both the guarantee and the expense above mentioned shall be deposited before the beginning of operation.

(f) The office of the grantee shall be in the commune in which are located the diversion works or the section of the public waters on which the grantee intends to establish the power plant, or in one of the communes in which the water diverted is to be used.

The rules for operation shall contain also the express conditions under which the grantee is obliged to observe all the provisions of the present regulations.

ART. 15. All concessions are subject to the following conditions which shall bind grantees without the necessity of their being included in the rules for operation:

(a) The concession shall be within the limits of the quantity of water which the government has the right to grant without prejudice to previous concessions and in general to the rights of others. The grantee shall relieve the administration of all judicial actions which may be brought by others who consider themselves injured by the concession.

(b) The grantee shall make at his own expense the changes which experience and circumstance shall render necessary in the diversion works and in the power plants established upon the public waters, for the protection of the bed or basin, the water course, navigation, canals, roads, and other property, and the rights acquired by others previous to the concession.

(c) The grantee shall pay the rentals in whole or in part when he shall have made use in whole or in part of the concession, except that in every case the grantee has the right to renounce the entire concession or any part of it by the payment of the rental to the expiration of the year in which the concession is renounced.

(d) The administration has the right to annul the concession for failure to pay the rental for two years and in general for failure to observe the conditions prescribed for the concession or by the laws and regulations in force.

(e) The grantee, at the expiration of the term of his concession, and in case of its loss, revocation, or renunciation, is obliged at his own expense to remove all the works which the competent authority shall judge necessary for the restoring of the bed, the banks, and the embankments of the public waters and the conditions considered necessary in the interest of the public and for the protection of the rights of others. The administration shall not be bound to make any compensation to the grantee in case it wishes to maintain the works constructed in the bed of a stream or on the embankments or on the banks, and these works shall come into the possession of the administration immediately following the loss, revocation, or renunciation of the concession.

(f) The grantee shall assist in all the inspections which the intendents of finance or the board of civil engineers desire to make through their official agents in accordance with article 12 of the law.

(g) The expense of supervision, of inspection, and of other work of that kind shall be borne by the grantee.

CHAPTER III. EXAMINATION OF THE DOCUMENTS—DECREE OF CONCESSION—
EXPENSES.

ART. 16. Having completed this procedure, the prefect, after verifying the regularity of the plans and of the rules, shall affix his seal, secure the signature of the applicant for the concession, to be authenticated by the signature of the secretary of his own office or of the subprefecture to which the matter was referred, who shall be a notary.

Having done this the prefect shall transmit all the documents with his own statement regarding them to the minister of agriculture, industry, and commerce—

(1) When the concession is among those indicated in article 2 of the law of August 10, 1884.

(2) When it is of interest to the territory of several provinces and when there is opposition on the part of those interested in provinces other than the one in which are located the diversion gates or the section of the public waters upon which it is desired to establish the power plant.

The minister of agriculture, industry, and commerce shall transmit the documents to the minister of public works with his observations regarding the public interest.

ART. 17. The minister of public works, after receiving the documents mentioned in the preceding article and having secured the opinion of the superior council, shall transmit them to the minister of finance, stating whether he considers them hostile to the hydraulic or other interests of the public works, and whether in consideration of the objections presented the concession should be granted, and stating also whether or not it is necessary that corrections or additions should be made to the documents or to the rules adopted, in order that all the conditions of the concession may be subordinate to the safety of such interests and of the rights of others.

ART. 18. The minister of finance, recognizing the advisability of granting a concession with respect to its financial features and the untenability of objections which have been made, shall, when necessary, return the documents to the prefect for corrections or additions in accordance with the opinions of the ministers, provided for in the preceding article, or for any other corrections which he thinks should be made.

ART. 19. When it is necessary to introduce any important modifications or additions in the rules, these may be written below the acknowledgment of the last signature and they shall be signed by the applicant for the concession with a new acknowledgment.

If the modifications to be introduced are important, the documents shall be redrawn.

The general plans, or in place of these, the documents mentioned in articles 3, 4, and 5 of the present regulations, shall be annexed regularly stamped, and shall form an integral part of the rules.

ART. 20. The minister of finance, after the corrections mentioned above have been made, or if the documents shall be found to have been regular, shall refer the matter to the council of state and propose the royal decree of concession, or if it is a case coming under the second part of article 3 of the law of August 10, 1884, he shall himself issue the decree of concession.

ART. 21. If the concession is among those contemplated by article 3 of the law of August 10, 1884, and is not a case coming under the second part of that article, the prefect, with the advice of the board of civil engineers and the intendent of finance, if he recognizes the untenability of the objections raised, and, considering the public interest and the rights of others, thinks the con-

cession should be made, shall issue a decree according to the procedure prescribed in the preceding articles and by the same decree shall dismiss the objections brought against the granting of the concession.

ART. 22. If at any point in the procedure indicated in the preceding articles it is decided that the concession should not be granted, the application may be dismissed by decree of the same authority which would have the granting of the concession.

ART. 23. The royal decree or that of the minister or prefect by which the concession is granted shall show—

- (a) The name, the cognomen, and the paternity of the grantee.
- (b) The body of water and the location of the diversion gates or of the power plant which it is proposed to establish.
- (c) The use to which the water is to be put or the nature of the power plant.
- (d) The duration of the concession.
- (e) The annual rental, unless under the terms of article 15 of the law of August 10, 1884, the concession shall be free.
- (f) The quantity of water, the power to be developed, and the area to be irrigated or reclaimed.
- (g) The rules and the obligations, and the other conditions by which the concession is limited.

ART. 24. The prefect, within twenty days after receiving the royal or ministerial decree of concession, or after receiving from the courts a decree which he himself has issued, shall provide for the registration of the decree.

The decrees of concession shall be published in the legal notices of the provinces interested together with extracts of the rules showing the provisions for the guarding of the rights of others. Copies of the decree shall be sent also to the local inspectors of the board of civil engineers.

ART. 25. When a concession is granted by a royal decree or by a decree of the minister of finance, it shall be transmitted, with a copy of the rules, to the intendent of finance and notice given to the prefect, who shall make copies of these documents and send them to the board of civil engineers.

ART. 26. The prefect shall transmit copies of decrees of concession granted by himself with the relative rules to the intendent of finance and to the board of civil engineers.

ART. 27. The expense necessary for the carrying out of these instructions and in general for the examination of an application shall be paid by the applicant.

The prefect shall require from the applicant at the time of the presentation of the application or when he deems necessary during the course of the procedure, the deposit of a sum which is considered necessary to guarantee the payment of the expense above mentioned.

The bill showing the amounts expended shall be rendered by decree of the prefect.

In cases coming under the provisions of article 8 of the present regulations, where there are several applications having for their object in whole or in part the same concession and some other than the first one received is accepted, the concession may be made subject to the condition that the grantee refunds all expenses of those who made applications prior to his own.

CHAPTER IV. THE CONSTRUCTION OF WORKS—THE COLLECTION OF RENTALS AND THE DURATION OF CONCESSIONS.

ART. 28. After the issuing of a decree of concession, if it has for its object a grand diversion, the grantee shall submit for the approval of the prefect the working plans for the works to be built in conformity with the rules established in Appendix B. These plans shall be referred to the board of civil engineers.

The presentation of these plans by the applicant may be dispensed with when the board of civil engineers considers sufficient the plans annexed to the application for the concession.

If the case requires operations under the law of June 25, 1863, on expropriation for public use, there shall be annexed a detailed map and a list of the proprietors of the property to be expropriated, according to the provisions of article 24 of said law.

ART. 29. The grantee shall notify the board of civil engineers of the day when he intends to commence work.

That board shall supervise the progress of the work and may suspend the work at any time if the grantee is not observing the conditions by which the concession is limited, immediately referring the matter to the prefect.

The prefect, having examined the explanations submitted by the grantee, may decide the matter if the concession is one coming within his own jurisdiction under article 3 of the law of August 10, 1884, and in other cases he shall dismiss or continue the suspension, referring the matter, if the suspension is continued, to the minister of public works for decision.

The grantee who intends to take advantage of any of the provisions of article 14 (III-d) of the present regulations, shall present to the prefect the proper application with all the documents necessary for justifying the delay.

This request shall not be granted if the delay is not justified. The administration may not grant a delay for more than one year in each of the two first terms and may not grant the third except for the carrying out of the third part of the work, which is to be determined by the board of civil engineers.

In case additional time is granted for any term, this will carry with it a corresponding postponement of the beginning of each successive term. The new terms shall be established by a decree, either royal, ministerial, or by the prefect, according to the proper jurisdiction as established by articles 2 and 3 of the law of August 10, 1884, but if the concession was granted by law and this law does not contain any delegation of this power, an extension of time may not be granted except by law. If the original terms or those established in a decree granting an extension, shall pass without any work having been done, the authority which made the concession shall declare it forfeited, by a decree notifying the grantee of the forfeiture.

In case the concession and the rentals for the same are divided into periods, when the terms pass by without any work being done as provided above, the authority which made the concession may declare the concession forfeited or may restrict it to the quantity effectively utilized or to the power developed, by decree notifying the grantee of this action.

ART. 30. Having finished the works, the grantee shall notify the chief engineer of the board of civil engineers who shall proceed through one of his own officials to inspect the works, and if he finds that they conform to the conditions of the concession and in every particular have been built with proper regard to the hydraulic regime, to the safety of canals, roads or other adjoining property, and to the security of public health and of the rights of others, he shall issue a certificate of approval and send this to the prefecture. The prefect, after his approval, shall transmit a copy to the intendent of finance and another to the grantee.

ART. 31. The rental and the period of the concession shall begin to run from the date of the decree of concession. If, under the provisions of the last clause of article 14 (III-d) the time for the building of works and the utilization of the water was divided into several periods, the rental for the first period shall begin to run from the date of the decree of concession and those for the successive periods from the beginnings of those periods.

The grantee shall not enter into possession of the water nor make use of it until after the approval of the works, or after the approval of a part if the work is divided into several parts.

CHAPTER V: CHANGES—RENEWALS OF CONCESSIONS.

ART. 32. The declarations regarding the use which, under the terms of articles 6 and 19 of the law of August 10, 1884, should be sent to the prefecture, shall be received by the secretary of the prefecture charged with the approval of contracts, and copies shall be sent to the intendent of finance, to the board of civil engineers, and to the grantee.

ART. 33. To applications concerning changes for which there is necessary a new concession under article 7, under the first part of article 9, and under article 19 of the law of August 10, 1884, shall be applied the provisions of the present regulations relative to applications for new concessions. In following out the procedure and the regulations these changes shall be considered in relation to the conditions under which the original concession was granted and taking into account the modifications which have taken place in the conditions of the locality, in the public interests, and in the concessions granted to others.

ART. 34. In cases of emergency contemplated in article 9 of the law of August 10, 1884, the prefect, before authorizing the works, shall make a local inspection if this is considered necessary and shall require that the grantee obligate himself to observe all the conditions which may be considered advisable and to take up within a fixed time the procedure necessary for securing the authorization provided for in the preceding article, and in case this authorization shall be refused, to pay all damages, public or private, which result from the work done, and to restore the previous conditions, under penalty of the forfeiture of the concession in case he fails to keep any of these obligations.

The prefect shall require from the grantee a deposit of a sum necessary to pay the expenses of the inspection and may demand also, if it is considered advisable, a guarantee for the obligations above indicated. A copy of the documents above indicated shall be sent to the board of civil engineers, to the intendent of finance, and to the grantee.

ART. 35. When a diversion for the purposes of irrigation, maceration, or reclamation is made by a free gate, the grantee who intends to change the boundaries of the area affected shall apply for authorization to the prefect or through him to the proper authority according to articles 2 and 3 of the law of August 10, 1884. This authorization shall be granted when the new area is not greater than the original area and is not of such a nature as to require a greater quantity of water. To the procedure above mentioned, to the inspection, and to the expense which is incurred on account of such an application are applicable the provisions of the preceding article.

ART. 36. The grantee who intends to execute works contemplated in article 13 of the law of August 10, 1884, shall conform to the provisions of article 33 of the present regulations, according to the importance of the changes there indicated.

In all other cases he shall, before beginning construction, present the proper plans for the approval of the prefect, who shall grant the right, with the advice of the board of civil engineers, if these plans are such as to avoid all damage to the public and to the rights of others, provided that the grantee is bound by the obligations which may be added to the original obligations and by all other conditions which may be considered necessary.

To the above mentioned procedure, to the inspection, and to the expense incurred for the approval shall apply the provisions of article 34.

ART. 37. Those who wish to obtain the renewal of a concession shall, at least six months before the end of the concession, present the proper application to the prefect. The prefect, comparing when necessary the application with the documents of the original concession, shall refer the matter to the board of civil engineers, which shall determine whether or not the use or abuse of the concession has in whole or in part rendered such concession void, and whether its allowance would be harmful to public or private interest, and finally whether any modifications should be introduced on account of changes in the conditions of the locality or of the public waters.

The prefect shall decide upon the application if the concession contemplated comes within the provisions of the first part of article 3 of the law of August 10, 1884, and in all other cases shall transmit the documents with his own recommendations to the minister of agriculture for the following out of the procedure prescribed in articles 16 and following, of the present regulations.

If the changes which have taken place in the public waters are of sufficient importance, the prefect or the minister of public works, according to their jurisdictions, may provide that the application shall follow the procedure for a new concession, so far as is necessary to determine what new conditions should be made in renewing the concession.

The procedure established for new concessions shall be followed when the application is for any of the changes indicated in article 33 of the present regulations.

This procedure may be prescribed in whole or in part when there are modifications of any other kind in the conditions of the concession.

CHAPTER VI. WORKS CONTEMPLATED BY ARTICLES 169 AND 170 OF THE LAW ON PUBLIC WORKS.

ART. 38. Those who desire authority to execute works contemplated in articles 169 and 170 of the law on public works and by the last part of article 1 of the present regulations for securing water shall present to the prefect the proper application accompanied by a detailed description of the works and a statement of their harmlessness with regard to the public interest and the rights of others, and such other statements as are necessary to a perfect understanding of the case. The prefect, with the advice of the board of civil engineers and, when necessary, of the intendent of finance so far as regards the determination of the rental, shall decide upon the application if it refers to works contemplated by article 169 of the law on public works, or if it comes within his jurisdiction, according to article 21 of the law of August 10, 1884, or under the last part of article 1 of the present regulations. In all other cases he shall transmit it with the opinion of the board of civil engineers and with his own observations to the minister of public works, who shall decide upon it with the advice, when necessary, of the minister of finance so far as regards the determination of the rental. If the works are connected with a preceding concession and the decision is favorable, there shall be prescribed rules in addition to the original rules.

To the expense incurred are applicable all the provisions of article 34 and also the provisions of the law on seals.

CHAPTER VII. LISTS OF PUBLIC WATERS AND OF DIVERSIONS.

ART. 39. The prefects shall provide through the boards of civil engineers for the compilation of lists of the public waters within their respective provinces, according to forms which shall be prescribed by the minister of public works in conjunction with the minister of finance.

These lists shall be transmitted to the minister of public works, who shall examine them and, when necessary, make changes, in conference with the minister of finance.

These shall be published by the prefects by depositing the parts regarding each district in the respective offices of the prefectures or subprefectures and by means of notices inserted among the legal notices of the respective provinces and by posting during fifteen days in the government building of each commune, and with these notices shall be a statement that these lists may be examined by any one, who may make objections to the lists within three months, beginning from the time of publication and posting.

At the end of this time, having collected the objections presented and the opinions of the provincial councils, the prefects shall transmit these lists with all the documents regarding them to the minister of public works, who, with the advice of the superior council of public works and of the council of state, in conjunction with the minister of finance, shall propose the royal decree approving the lists of public waters.

ART. 40. These lists of the public waters approved in conformity with the preceding article shall be published in the Official Gazette of the kingdom and shall also be inserted in the legal notices of the respective provinces, and there shall be posted in the government building of each commune the part of the list referring to their respective territories accompanied by a notice from the prefect that all users of public waters shall submit statements of their rights in writing to the mayors of the communes.

The above-mentioned notices shall state the day on which shall expire the term of two years established by the law for the presentation of these statements under the penalties as prescribed by that law.

ART. 41. These statements shall be written upon forms prescribed by the minister of public works, with the approval of the minister of finance.

The quantity of water claimed shall be definitely stated when that is possible.

The mayors shall receive the statements presented to them and transmit them to the prefects, accompanied by all the explanations and statements necessary for the correction of errors and for the summing up of the claims for which statements have been submitted. This shall be supplemented at the same time by a statement regarding those which have not been presented, with the necessary explanations, upon forms above indicated.

ART. 42. The prefects, with the advice of the board of civil engineers and the intendents of finance, shall compile the lists of diversions and of rights to use in their respective provinces and shall transmit these to the minister of public works with detailed reports including, separately from the others, statements relative to the diversions and the rights to use for which no claims were submitted.

The minister of public works in conjunction with the minister of finance, having verified the regularity of these lists, shall transmit copies to the prefects. The prefects shall provide for their insertion in the legal notices of their respective provinces and for the posting during fifteen days of the part relating to each commune in the respective government buildings and shall also send copies to the intendents of finance and the boards of civil engineers.

ART. 43. The minister of public works, in accord with the minister of finance, shall see that the prefects preserve the lists of diversions and of rights to use the public waters and that they make all the changes which from time to time take place in the diversions and in the rights.

CHAPTER VIII. POLICING AND OFFENSES.

ART. 44. The boards of civil engineers and the intendents of finance shall attend, within their respective jurisdictions, to the observation of the provisions of the law and of the present regulations. The local policing belongs in special manner to the officials of the board of civil engineers, to the technical officials of the intendents of finance, to the custodians and guardians of the hydraulic works of the first and second classes and of the reclamation works which are carried on at the expense of the State.

These officials and agents shall make investigations when an offense has been committed, if possible in the presence of two witnesses, and may also proceed to sequester any objects concerned with or used in committing the offense. If the user or grantee is present he may be questioned regarding the acts which constitute the offense and shall be asked whether he has any statement to present for his vindication.

The discovery of offenses is a duty of all the agents of the public administration and of the communes, of the police, and of the guards of the finance department.

ART. 45. The report of the investigation shall state—

- (1) The place and the time in which the report was written.
- (2) The name, the cognomen, the character and the residence of the informer.
- (3) The facts which constitute the offense and the place in which it was committed. If the offense was temporary the report shall show the day and the time when it began and when it ceased, and if it was permanent it shall show precisely or approximately the date on which it began.
- (4) The name, the cognomen, the occupation and the home of the offender, and the statements which he has made.
- (5) The kind, the quantity, and the approximate value of the objects sequestered.

The report shall be made in duplicate and shall be signed by those who have found out the offense or, if these cannot write, by their immediate superiors or by the secretary of the commune in which the offense was committed; it shall also be signed by the offender and by the witnesses if there are any. If the offender or the witnesses can not write or refuse to sign, this fact shall be stated in the report. One copy of the report shall be sent to the offender and also a statement as to who shall receive the objects sequestered, and if he refuses to receive them this fact shall be stated in the report.

ART. 46. The report of the investigation shall be sent within twenty-four hours of its date, with the objects sequestered, to the mayor of the commune in which the offense occurred.

One copy of the report shall be immediately transmitted to the board of civil engineers of the district where the offense was committed. If there were no goods sequestered the report may be sent to the board of civil engineers only.

The mayor may restore the goods sequestered to the offender if he gives sufficient security for the payment of fines or damages, and of the expense which has been incurred. In all other cases they shall be committed to the custody of the secretary of the commune. The mayor, except in emergencies coming within his own jurisdiction, shall transmit the documents immediately to the prefect.

ART. 47. The chief of the board of civil engineers shall transmit at the same time to the prefect the reports made by himself or by his agents and those transmitted to his office.

He shall propose, in every case in transmitting the documents above mentioned, as soon as he shall have received the copy as prescribed in the second paragraph of the preceding article, the provisions necessary for reducing the

works to their former conditions, for the prevention or repair of damages, and for the removal of the dangers which might result from the offense, and add to this an estimate of the expense necessary for carrying out the work proposed.

ART. 48. The prefect, on receiving the report of the offense from the mayor or from the board of civil engineers with their respective observations, shall decide the case in conformity with the provisions of article 378 of the law of March 28, 1865, Appendix F, on the public works, and when necessary, begin the procedure for the revocation of the concession or authorization.

The revocation shall be declared by the same authority which granted the concession or authorization.

ART. 49. The prefect or some official by him delegated shall ascertain the offenses against the provisions of article 27 of the law of August 10, 1884, making a summary report which shall indicate the date, the name, the cognomen, the position and the residence of the official who made the information and the name, the cognomen, the occupation and the residence of the offender, and shall submit all the necessary documents for showing the diversion for which a statement of claim was omitted and for indicating the annual rental due.

The prefect is charged with the application of the provisions of the article above cited.

ART. 50. For offenses against the law of August 10, 1884, at any time before the prefect has begun a penal action before the proper authority, or if one has begun, before sentence is pronounced or before the case has passed to judgment, the offender may ask that the fine be assessed by the prefect.

The prefect may by his own decree accept this application and fix the amount of the fine, prescribing the time within which this shall be paid. Having received within the time specified the fine as above, the prefect may not again bring penal action for the offense and shall dismiss any such action already begun.

The amount of the fine shall be determined in accordance with the rules established for such matters.

CHAPTER IX. GENERAL AND TEMPORARY PROVISIONS.

ART. 51. From the decisions of the prefects in the execution of the present regulations, except as regards the application of article 1 (last part) of these regulations and of articles 169 and 170 of the law on public works, appeal may be taken to the minister of finance within thirty days from the notification or publication of the decisions.

The minister of finance shall decide such appeals, with the advice of the minister of public works and, when necessary, with the advice of the minister of agriculture, industry and commerce.

ART. 52. The prefects shall transmit to the ministers of public works, of agriculture, industry and commerce, and of finance in the first month of each year a report of the applications presented to them and of the decisions made during the preceding year in application of the law of August 10, 1884, and of the present regulations.

This report shall be compiled in the form prescribed by the ministers of public works, and of agriculture, industry and commerce.

ART. 53. When in the present regulations, the words "province, commune, hydraulic district, prefect, prefecture, intendent of finance, board of civil engineers, provincial deputation and mayor," are not followed by any other specifications, it is intended that they shall refer to those offices, authorities and subdivisions within the territory of which the works of diversion are located or in which are located the public waters on which are established or are to be established the power plants to which the concessions or authorizations refer.

Appendix A.—*Rules for the making of the general plans to accompany an application for a grand diversion of water, under article 2 of the regulations.*

ART. 1. The general technical-economic plans of works serving for a "grand" diversion, shall include the following documents :

- (1) Detailed report.
- (2) General plan.
- (3) Longitudinal profiles and sections of the canal.
- (4) Designs of the principal structures.
- (5) Estimates of the cost.

ART. 2. *Report.* The report shall show the provinces and the communes in the territory of which the works are to be executed ; shall give the necessary information regarding the source from which it is proposed to divert water ; shall state the purpose of the diversion ; and shall state whether this is to be perennial without forcible interruption, or intermittent and limited to certain periods of the year.

If the diversion is for irrigation, maceration, or for the reclamation of lands, or for various purposes, the report shall show the nature, the boundaries, and the area, in hectares, of the lands which would be affected.

If the diversion is to serve for drinking purposes the report shall furnish the necessary information to show the importance of the proposed concession with relation to the center or centers of population for which it is proposed to provide.

If for developing power, it shall state the power to be developed, in horsepower of 75 kilogrammeters, giving the quantity of water and the height of the fall or falls which it is proposed to use. If the diversion is to be by means of a free gate, by the quantity is meant the average diversion for the year.

In the light of the studies which have been enumerated and the methods by which they have been made, the report shall discuss the advantages and disadvantages of each of the different plans which might be adopted, giving the difficulties of construction and the means by which it is proposed to overcome them and showing clearly, from the double point of view of technique and economics, the feasibility and preferability of the plan proposed.

The report shall show that the rights of others and the regime of the public waters will not be injured by the proposed works, having regard to the security of the lands and to the safety of canals, roads, and adjacent property ; the sufficiency and feasibility of the provisions which it is proposed to make in the interests of agriculture, industry, and the public health ; and the absence of danger from overflow or seepage. It shall show the level of the underground or phreatic water in the lands to be traversed by the diversion canal, and in the adjacent lands, indicating the geological nature of the lands crossed.

The report shall show also the other facts which can not be determined from an inspection of the designs attached ; and to make a clearer illustration of the same the report shall contain a full description of the works, paying special attention to the principal canals, aqueducts and the structures connected therewith, giving the calculations of the discharge, the stability, and all other technical criteria necessary to show clearly :

(a) The average quantity of water to be diverted expressed in modules (100 liters per second) if the concession is for a free gate. In this case it shall also fix the maximum limit which under stated circumstances may not be exceeded and the precautions necessary in order that this may not be exceeded :

(b) The manner of making the diversion, stating precisely the location, the nature, the form and the principal dimensions of the headworks ; stating whether these are temporary or permanent ; and whether it is to be a taxed gate or a free gate. In case these are temporary, the report shall show to what

conditions the place shall be restored by order of the prefect, approved by the board of civil engineers;

(c) The method of conducting, utilizing, distributing and guarding the water and of restoring the remainder to the stream, and showing that the water will not be wasted. In case the obligation of returning the drainage or waste water is assumed, the report shall state the approximate quantity expressed in modules.

If the diversion is to serve for developing power, there shall be shown the location and height of the fall or falls which it is proposed to utilize.

(d) The works and the safeguards adopted to protect the public and guarantee the rights of others, and to protect the public health and the proper regime of the public waters. If the diversion is asked for the maceration of textile plants, there shall be attached to the report a certificate of the local board of health stating that there is no objection to the operation of the projected maceration, and prescribing, when such is the case, the conditions and regulations to which the operation shall be subjected in the interests of the public safety.

Finally the report shall include all the other information necessary to show the utility and the advantages of the plans presented.

ART. 3.—*General plan.* The general plan shall represent graphically the entire project and its location and the location of the several works above mentioned.

It shall show the watercourse which is to be diverted, the location of the dam, either permanent or temporary, the boundaries of the lands interested, the lines of the canals or ditches for diversion, distribution, or wasting, both for new works and those already existing, the location of the various structures, all identified by proper legends.

The tracings shall show the points of the compass and show transverse sections with lines and numbers. They shall indicate the points corresponding to said sections and if for drainage, maceration, or irrigation, the elevation of the lands interested, referred to the level of the sea or to a fixed horizontal plane, and every other fact which may be necessary to show clearly the main features of the project.

This map may be a copy of the assessor's map, or of the map of the Military Geographic Institute, if that will serve the purpose. The scale of the map may not be less than 1 to 10,000 unless it is necessary for the clear illustration of the project.

ART. 4. *Longitudinal profiles.* The longitudinal profiles shall represent the undulations of the lands along the lines of the canals or ditches of new construction, and of the bed and banks of existing canals which it is intended to utilize; they shall show all other features of interest; they shall be drawn on a scale not less than 1 to 10,000 for the length and not less than 1 to 500 for the height.

The elevations shall refer to sea level or to a horizontal plane agreed upon, distinguishing those of the corresponding transverse sections with special successive numbers.

They shall indicate the monuments of reference and the zero of the nearest and most important hydrometer, according to the notice given by the board of civil engineers.

On the horizontal line at the base shall be indicated the distances between the sections, also the distances from the origin of the profile, the distances being divided into hectometers and kilometers.

The slope of the land or of the beds of existing canals, the structures and the tops of existing embankments shall be shown in black; the lines of the

proposed works in red: the sections to be in embankment colored red, and the sections to be in cut yellow. On the horizontal line above the profile of each canal or ditch shall be noted the extreme points of said conduit, the lengths of the various sections, the fall in each section and the slope averaged per kilometer.

The lines of the maximum water level, the average level, and the low water level, and if the canal empties into the sea, the levels of high and low and average tide, referred to mean sea level shall be traced in blue.

ART. 5. *Profiles and transverse sections.* The profiles and transverse sections which serve to represent the elevations of the lands to be drained or irrigated shall be made on a scale not less than 1 to 5,000 for the length and 1 to 250 for the height. In every case each plan shall be accompanied by sections of the canals on a scale not less than 1 to 200.

They shall indicate on the side the ordinary levels of adjacent canals and that of the ordinary underground or phreatic water.

The levels shall always be referred to the plane adopted for the longitudinal profiles or to another which refers to that.

The common points on the longitudinal profiles shall be distinctly shown.

The distances between sections shall be noted.

In black shall be shown the slope of the land, the structures, the canals and existing embankments; in red the line of the proposed works; the embankments shall be colored red and the cuts yellow, and there shall be shown in blue the maximum, mean and minimum water levels.

ART. 6. *Designs of structures, buildings and mechanisms.* The designs of the structures related to the diversion or the restoring of water, also those for the crossing of other water courses, railroads, or the national roadways, shall be shown on a scale of 1 to 200 or 1 to 500 as is most convenient. All dimensions shall be shown in figures.

For the other structures and those of little importance it shall be sufficient to show the standard type.

The designs of mechanisms shall be on such a scale as will serve to show clearly their nature and the dimensions shall be shown in figures.

ART. 7. *Estimates of cost.* There shall be indicated the estimated cost of each class of work and the prices current in the locality and the total for all the work, adding separately the cost of permanent expropriation, of temporary occupation, and other indemnities to private parties; also sums for supervision and technical direction, and for contingencies.

Appendix B.—*Rules for the compilation of the working plans for works connected with a grand diversion of water under article 28 of the regulations.*

ART. 1. The working plans for the works above indicated shall consist of the following:

- (1) A report explaining the plans.
- (2) A map of the locality.
- (3) Longitudinal profiles.
- (4) Transverse sections.
- (5) Designs of the structures.
- (6) Computations of measurements.
- (7) List of prices.
- (8) Estimates of the work.

When the work is to be done under contract, there shall be added the special conditions governing the contracts.

ART. 2. *Explanatory report on the plans.* The report, referring to the general plans, shall show the details of the work, pointing out the changes found necessary by a more careful study, showing exactly by the designs attached the slopes and the cross sections of the canals and ditches, the forms, the dimensions, and the systems of constructing the different structures and mechanisms.

There shall be added all the other explanations considered necessary to a full and easy understanding of the plans.

ART. 3. *Map of the locality.* The map of the locality shall contain a graphical representation the same as the general plans, but more clearly, more precisely and more in detail.

It shall be drawn on a scale of 1 to 1,000 or of 1 to 2,000. If it represents a large territory the plan may be made on a scale as small as 1 to 25,000, but in that case there shall be other plans, on one of the larger scales, of the works for diverting the water and for returning it to the stream, and of all the works for crossings of public water courses, national roads, railroads, or any other property belonging to the public domain.

In these plans for the lines indicating angles the tangents shall be given, and for those representing curves the radii shall be given.

If in any part of the project there are special conditions relating to the public health and the security of persons, of canals, roads, or other adjoining property, making necessary more exact indication of the nature of the works proposed, there shall be given separate plans of these sections on a larger scale, as requested by the prefect.

ART. 4. *Longitudinal profiles.* Longitudinal profiles shall be given in sufficient number to show the principal lines and the slopes along the lines of the canals and ditches, both new and already in existence, to be made according to the rules established in Appendix A.

There shall be also more complete and more detailed plans of any features which need to be noted, on a scale equal to that of the detailed plans provided for in the preceding article, for the length, and a scale 10 times as large for the height.

ART. 5. *Transverse sections.* Under the rules regarding this prescribed in Appendix A, transverse sections shall be given in sufficient number to make possible the exact calculation of the movement of earth and of the quantity of other work.

There shall be added normal sections of the various works in their different conditions, made in such a manner as to show the form of the entire works and of their various parts.

ART. 6. *Designs of structures.* The more important structures for the diversion and the restitution of water, and for the crossings above mentioned, not coming under the special provisions of the last clause of article 3, shall be represented by plans, elevations and longitudinal and transverse sections on a scale not less than 1 to 200. There shall be added details and particulars and designs on a larger scale when it is necessary to show more clearly the form or the manner of constructing the works. On these designs the dimensions of the various parts of the works shall be shown in figures. The elevations and sections shall show also the level of the river at low water, at ordinary stages, and at high water, or the levels of low and high tide, if the buildings are constructed near the sea.

For works of minor importance there shall be detailed designs of model types, except in cases where there is special necessity for separate designs.

The designs of mechanisms for headworks and for restoring the water and for crossings shall contain all the graphic indications and numbers necessary to show their quality, construction, the manner of operation and the dimensions.

ART. 7. *The computation of measurements.* These computations shall be divided into the following parts :

(1) The permanent and temporary occupations of land and other indemnities to private parties. This shall specify the nature and the amount of the damage, the dimensions and the quality of the land to be occupied, the commune in which it is located, the names and cognomens of the proprietors.

(2) The movement, distribution and transportation of earth.

(3) The structures and buildings.

(4) Miscellaneous works and other classes of expenses.

In the computations of the works there shall be followed the order of their execution. In cases where it is necessary to invoke the provisions of the law of June 25, 1865, on expropriation for public utility, there shall be presented a detailed plan and a list of the proprietors of the property to be appropriated, according to the provisions of articles 16 and 24 of that law.

ART. 8. *Analysis of the prices.* On the basis of a table of estimated prices of handwork and of materials on the site of the works, there shall be made an analysis of the various kinds of work, following the order of the compilation of the measurements in proportion to the quantity of materials necessary and of the handwork to be employed, adding an amount for accessories and, if the work is to be done by contract, for the benefit of the contractor.

ART. 9. *Estimates of the works.* There shall be shown the importance of the work which results from applying to the quantity shown in the measurements compiled, the prices specified.

If the work is to be done by contract, the amount shall be divided into three classes: (1) the work to be contracted by the job; (2) the work to be contracted by the piece; (3) the sum required for the expense of administration.

The distinction between the works to be contracted by the job or by the piece shall be determined according to the circumstances and conditions of the execution of the work. Where possible, there shall be included in the first, the movement of earth except for excavations for the foundations of structures, the compensation for the temporary occupation of lands for the establishment of buildings, bridges, and for preparatory and accessory works, and for all contingencies not resulting from the act of God and for the maintenance of the works until they are accepted.

In the sum set aside for administration shall be included amounts for indemnities to private parties for permanent expropriation, for unforeseen expenses, for local direction and assistance in the work.

ART. 10. *Conditions for contracts.* Without regard to the general administrative prescriptions and the regulations in force and the general instructions for contracts for public works, the special provisions shall contain all the detail prescriptions and the rules of construction and operation of the works provided for in the contract, independently of the computed measurements and the analysis of the prices or of the estimates, and these documents form no part of the contract.

The contracts shall be divided into the following parts :

Part I. The object of the contract, the designation, form and principal dimensions of the works.

Part II. The manner of executing work of every class, the quality and the source of materials, the sites and dimensions of the borrow pits, the order and the rules to be followed in the progress of the work.

Part III. The prices of the work, the manner of determining the value, and the rules for keeping the amounts. In one article of this part shall be designated in full, the different classes of work with a statement of the charges which

were assumed for them in the estimates, and distinguishing the separate lists or parts to be contracted by the job and the parts to be contracted by the piece.

In another article shall be included a list of the unit prices on the basis of which, with the reductions contained in the contract, payments shall be made for the work contracted for by the piece or for administration.

Part IV. Detail provisions regarding the contracts. It shall contain all the detail instructions which are considered necessary and shall establish—

(a) Amount of the bond to be required as a guarantee of the carrying out of the contract.

(b) The rate of interest to be paid by the contractor for sums advanced.

(c) The amounts to be paid on account to the contractor during the course of the work.

(d) The manner of measuring the amount of work done.

(e) The time within which the work shall be finished and the penalties to be paid in case it is not finished within the time.

(f) The obligations on the part of the contractor to furnish bonds.

(g) The period of time within which the acceptance of the completed work shall take place.

(h) The obligations and burdens on the contractor for the maintenance of the work until its acceptance, for the expense of drawings, for inspection during the progress of the work and after their completion, and for the procedure for their acceptance.

ART. 11. *Supplementary plans.* For all changes, omissions or additions to the approved plans, made in the course of construction, which are noticeably different from the drawings, from the general provisions, or from the forms or the costs of the work as approved, there shall be compiled supplementary plans according to the rules, with all the documents considered necessary to make clear the proposed changes, omissions or additions.

These documents shall be referred to and coordinated with the original project and shall be limited to those which are necessary to make clear the changes and the differences of cost in the works.

LAW FOR THE ORGANIZATION OF ASSOCIATIONS FOR IRRIGATION.

February 28, 1886.

ART. 1. Associations for irrigation, either voluntary or obligatory, are governed by the rules established by the law for associations for irrigation, of May 20, 1873, by the civil code according to the different cases there contemplated, and by the provisions of the present law.

ART. 2. Associations for irrigation which shall be organized after the promulgation of the present law, shall have as integral parts of their constitutions regular assessment rolls for the identification of all the lands to be irrigated, which shall show clearly all the successive changes which may be made.

Where no assessment map is in existence its place shall be supplied by a map which shall be based on a topographic description and a survey of the lands to be associated.

ART. 3. The government is authorized to establish by special regulations the rules in accordance with which the assessment roll shall be made, and the same shall be observed in all its later modifications.

ART. 4. After an association has been organized and recorded, according to the provisions of title 22 of book 3 of the civil code, all the rights and all the obligations toward the same shall pass directly and independently of any agreements whatever, from the first proprietors of the associated lands to their successive proprietors.

ART. 5. The members shall contribute to the expense of the association by means of an assessment imposed on all the lands comprised in it, each in the proportion established by agreement or by communal law.

ART. 6. The conditions and reservations which shall be made by those who unite to form an association for irrigation shall be binding between the association and its members, but shall have no effect as regards others who may have claims against the association.

ART. 7. The collection of assessments from the members shall be made by the administration of the association according to the forms and with the privileges and according to all the rules in force for the collection of direct taxes, and the provisions of article 6 of the law of May 28, 1873, shall remain in force for the purposes of this law.

ART. 8. The lands included within the boundaries to be irrigated and also the lands surrounding these are subjected to all the servitudes which it becomes necessary to establish, either temporarily or perpetually, for the diversion works, and for the passage and drainage of water, and the indemnities due to proprietors, if they are not agreed upon, shall be determined in accordance with articles 603 and 604 of the civil code. Also contests created regarding the necessity of the servitudes to be established shall be decided by the courts.

ART. 9. The bank of deposits and loans may grant either to associations for irrigation legally organized under the present law or to provinces and to com-

munes for works provided for in the following article, loans to be refunded with the normal interest established according to article 17 of the law of May 17, 1883, and according to article 17 of the law of May 17, 1885, by means of payments from association assessments, or from communal or provincial taxes.

ART. 10. The minister of agriculture and commerce, by means of a decree to be issued with the consent of the superior council of agriculture, may grant subsidies within the limits of the sum which has been established in the budget, to associations for irrigation organized in conformity with the present law, to communes, and to provinces, for the construction of new reservoirs or new diversion works or headworks and aqueducts for taking water to the lands to be irrigated.

ART. 11. Similar subsidies may be granted to private parties also, with the consent of the superior council of agriculture.

ART. 12. The contribution of the State may be given only when the water is actually destined for irrigation and under the following conditions:

(1) That the quantity of water obtained by the works which are provided for above, for the purpose of irrigation, is not less than one module (100 liters per second). But in special conditions of crops and places the minister of agriculture, industry and commerce may, after having consulted the council of agriculture, grant a subsidy when the quantity of water is less than 1 module but not less than one-fourth module or 25 liters per second.

(2) That the communes and the provinces in the territories of which the irrigation is to take place, or some one of these, shall contribute to the works not less than one-tenth of the contribution of the State, when they are not themselves, either alone or in association, applicants for the subsidy from the State for the construction of the works provided for in article 10.

ART. 13. The contribution of the State shall be made, within the limits of the plan presented to the minister in order to obtain it, by the payment of a share of the annual interest on the sum actually expended in the execution of the works provided for in article 10.

The contributions of the communes and of the provinces shall be made without repayment, either in the same form as the contribution of the State, or by the payment of a corresponding capital sum.

The works provided for above may be divided into parts, and from time to time as these are completed, on application by the parties interested and on the proposal of the minister of agriculture, industry, and commerce, each shall be inspected according to the rules established by the law relating to public works, of March 20, 1865, title 5, chapter 3, and the payment of the first share of the annual interest shall be made within one year from the date of this inspection.

ART. 14. The subsidy shall be granted for a period not greater than 30 years. The time for which the contribution is made is divided into three equal periods. During the first period the contribution of the state, including the one-tenth spoken of in the second paragraph of article 12, cannot be greater than 3 per cent for each 100 lres of capital expended in the building of works of the first class, or 2 per cent for those of the second class. The contribution of the State shall be diminished in the second period by one-third of its amount, and in the last period by another one-third; in any case it shall not exceed one-half of the interest, exclusive of payments to the sinking fund. The interests shall be calculated at the legal rate when it is not fixed otherwise in the documents.

ART. 15. Works of the first class are those which divert water in a quantity greater than 30 modules; the second class includes all others.

ART. 16. The register fee of 10 lire, when it is not less by law, shall be charged upon all documents concerning the organization, operation, and establishment of associations, and the successive documents which, during the period of 6

years from the date of the organization, are necessary for the execution of irrigation works, according to the preceding article, and these documents include those necessary for the acquirement of water for irrigation.

We ordain, etc.

Given at Rome, February 28, 1886.

ADDITION TO THE LAW OF FEBRUARY 28, 1886.

Dated May 11, 1890.

The administrations of associations for irrigation which have obtained loans from the Bank of Deposits and Loans under the terms of the law of February 28, 1886, shall make assessments annually for the extinction of these debts and shall make up the necessary assessment rolls.

When for any reason this is not done the provincial administrative junta shall make the assessment *ex officio* and shall also make up the lists *ex officio*, these being compiled and published by the prefect, who shall provide for their collection by the association collector, or, when necessary, by the communal collectors, or by a special collector, charging the expense incurred to the association.

REGULATIONS FOR THE EXECUTION OF THE LAW FOR THE ORGANIZATION OF ASSOCIATIONS FOR IRRIGATION.

ART. 1. Associations for irrigation are legally organized in accordance with the law of December 25, 1883, when they have formed a regular assessment roll for the identification of all the lands to be irrigated, and their regulations, formed according to the rules of article 1 of the law, are recorded according to the provisions contained in title 22, book 3, of the civil code.

ART. 2. After an association has established irrigation in a general way, in a given place, and fixed in a general way the extent and boundaries of the zone to be irrigated, the engineer or the surveyor charged with the making of the assessment roll shall furnish to the office for keeping the government assessment rolls—

(a) A tracing of the corresponding map, and an outline of the scheme.

(b) A statement showing the subdivisions or descriptions not shown on the assessment plats.

Both in the scheme and in the abstracts shall be shown the character of the titles of those who on the register are shown as actual possessors.

ART. 3. With the guidance of the above mentioned documents and a competent guide he shall proceed on the ground to the identification of the several properties comprising the association for irrigation.

ART. 4. In the provinces having only descriptive assessment rolls, the engineers and surveyors, in the work of identification, shall show graphically the status of the subdivision of the land, making the drawings on a scale which is best adapted to showing the forms and locations of the land holdings.

ART. 5. In the provinces having assessment plats the precise limits of the irrigated land belonging to the association shall be shown by placing on the map the outside lines of this area, marking out, at the same time, the detached areas or sections on the map which, although included within the boundaries above mentioned, are not included in the association.

ART. 6. There shall be noted precisely the erroneous titles, and the corresponding differences in the areas of the holdings, which are discovered during the identification, in order that the proper corrections may be made in the government office.

ART. 7. When the identification of the properties to be irrigated on the assessment plats has been completed, the inspector shall proceed to the deter-

mination of the grades of use to be made by each proprietor, according to agreement or the constitution of the association, and, in case there is no such provision, in accordance with the volume of water belonging to each or with the periods of rotation, or with the area, according to the basis which shall be adopted by the commission of promoters of the association.

This commission shall continue in existence until the completion of the work connected with the assessment roll and until the regulations are signed.

The numbers showing the quantity of water which is considered as belonging to different parties shall be written in pencil on the assessment plats or on the sketches representing the property, and shown also in a column of the above mentioned summary opposite to the corresponding numbers of the maps of the same properties.

ART. 8. From the field operations and the documents above indicated, the engineer or surveyor shall make a summary report for the guidance of the administration of the association and of the interested parties.

ART. 9. The commission for promoting the association, together with the assessor, shall establish the assessments to be imposed upon the several tracts of associated lands, in order to have a regular basis for making the list of assessments. This sum to be contributed constitutes a coefficient for correcting assessments in force in equalizing the association estimates.

ART. 10. After collecting and determining the elements which are noted in the preceding articles, there shall be formed a register of the association containing—

- (a) An assessment roll.
- (b) A registry book.

ART. 11. The assessment roll shall summarize in alphabetical order the surnames and given names of the possessors of all the properties comprised within the association, with the several numbers of the maps or plats and with the respective areas and the estimates in force as in model No. 1.

The divisions of the assessment roll made in this way shall be distinguished from each other by numbers in continuous series, and opposite each shall be noted the name of the association and the number showing the grade provided for in article 7.

ART. 12. The registry book shall summarize the properties in the same order as the roll, but with the complete amount of the area and valuation. To this shall be added in the registry book, the number showing the sum to be contributed by each and the complete valuation for the association, the year for which the given valuation serves, and the full amount of the taxes, all to be done according to model No. 2.

For the last two classes of the above mentioned data the registry book shall serve also as a register for the tax list.

ART. 13. In the registry book there shall be left for each property besides the page on which it is shown, three other pages for recording the changes which it shall undergo in the progress of time, both in the name of the proprietor and in the corresponding assessment rolls.

ART. 14. The registry book shall have a title page on which shall be shown what is included in the association, the data shown in the registry book and a summary of the various grades of use.

ART. 15. After the completion of the documents relating to the assessment rolls they shall be deposited in the office of the association and be open to inspection for 30 days in order that they may be inspected by all parties interested. This deposit shall be advertised to those interested by means of a notice served on them either personally or at their houses.

ART. 16. Within 60 days, computed from the end of the period indicated in

article 15, those interested may make complaint of the material errors which have been made in compiling the documents. They may take exceptions, but only in a comparative way, to the grade assigned to their respective properties.

Complaints may be made on free paper.

ART. 17. The above mentioned complaints shall be decided in the first instance by the commission which promoted the association, assisted by an engineer or surveyor who may be the same one who made the assessment rolls.

ART. 18. From the decision of the above mentioned commission appeal may be taken to a commission composed of one provincial deputy, the president of one of the agricultural committees of the province, the chief engineer of the board of civil engineers, the chief engineer of the technical office of the province, and the chief engineer of the technical office of finance.

The nomination of the provincial deputy shall be made by the provincial deputation; that of the president of one of the agricultural committees of the province, by the prefect; and if the territory of the association extends into two or more provinces, it is reserved to the ministry of agriculture on the proposal made by the deputations and of the prefects, to appoint the provincial deputy and the president of the agricultural committee.

This commission shall hold its sessions in the office of the prefecture.

An appeal from the decision of the commission promoting the association shall be sent to the prefect, who shall call a meeting of the commission.

This commission shall decide the matter, after having gathered together all the complaints presented, and from its judgment, if it confirms that of the first commission, another appeal may be taken to the minister of agriculture, who shall decide the matter finally.

The decisions of the commission shall be communicated to those interested through the president of the commission by means of the office of the prefecture.

ART. 19. After the decision of these complaints and the making of the consequent changes in the assessment rolls, this shall be made effective by ministerial decree.

ART. 20. An association roll having been published and declared effective, a copy of it shall be sent to the office for keeping the government assessment rolls (agency for the taxes) in the district in which are situated the lands of the association.

ART. 21. The agent within one month of the receipt of this communication, shall record in his register books, by letter C in red, the number of the map showing the subdivision or the description representing the associated properties, in order that in the ordinary transfers of the property the purchaser may know whether the properties bought include real estate or any part of the property of the association.

After this operation he shall make at the bottom of the roll the following note: "Signed and recorded in the roll of association property." After this the roll shall be returned to the administration of the association.

ART. 22. The agent of the taxes shall immediately make a note of each change in ownership of real estate which forms a part of any association, on free paper, as shown in model No. 3.

Every three months he shall transmit these notes which have been made to the administrations of the respective associations, which shall acknowledge their receipt.

ART. 23. The official of the association charged with the keeping of the rolls of the association shall number these in the order of their dates and shall record them on the register book as is shown in model No. 4.

These notes shall be kept in order in separate envelopes for consultation when necessary.

ART. 24. The custodian of the rolls of the association, after the closing of the transfers of the property which are to be in effect during the following year, shall record in a special column of the register book opposite the change the corresponding valuation and the total valuation of the association, the year for which this valuation shall be in effect, and the relative tax, as is shown in the register model No. 5, correcting in like manner, also, the record of the list.

ART. 25. The proprietors or possessors shall pay for each transfer, for the effect of the association taxes, a fixed fee of 0.5 lire to the agent of the taxes as compensation for the work done for the association. This payment shall be made in the same manner as those established for ordinary transfers.

ART. 26. The annual lists of the association contributions shall be made separately for each commune, and, under the signature of the chief of the administrative commission of the association, or some one acting in his behalf, shall be transmitted to the prefect who is charged with making it effective.

In each of the communes, the part of these lists which refers to that commune shall be published in the manner and according to the terms established for the lists of direct taxes, and it shall be sent to the collectors of the association within the first 15 days of January in each year.

If the administrative commission shall not transmit within the first 15 days of January in each year to the collector of the association the list of the association contributions, the prefect shall order it sent *ex officio*.

These provisions shall be executed only when the association has received loans from the bank of deposits and loans or subsidies from the government.

ART. 27. Within three months from the publication of the lists any one interested may make complaint to the administrative commission for the correction of material errors which may have been made in their formation. The complaint shall not delay the collection of the contributions, but give the right of reimbursement for so much as shall be improperly paid.

From the decisions of the administrative commission there shall be appeal to the prefect, which must be taken within the term of 30 days from the notification.

ART. 28. The administration of an association in transmitting to the prefect for the first time the list for collection shall accompany it with its regulations and the certificate of their recording. Afterwards, whenever modifications have been made in the regulations or changes in the assessment roll the administration of the association shall transmit without delay to the prefect a legal copy of these documents with the certificate of their recording, and in case of failure the prefect may withhold his signature from the lists.

The prefect, after having examined the regulations and certificates to see that they conform to the provisions of articles 1, 2, and 4 of this law, shall attach his signature.

Copies of the regulations, together with the certificates of recording, are kept in the archives of the prefecture.

ART. 29. The collection of the association contributions shall be made by a special collector for the association or by the collectors of the direct taxes, as decided by the administrative commission.

ART. 30. When it is desired to commit the collection to the collectors of direct taxes the administrative commission shall give notice to the prefects of the provinces in which are situated the properties subject to the assessments, furnishing all the data and the elements which are necessary in the proceedings relative to making contracts for their collection.

This notice shall be given in proper time so that at the time of the appointment of the collectors for direct taxes it shall be possible to include in their duties the collection of the association assessments.

The obligation to make these collections shall continue throughout all the time for which the collectors are appointed, and the compensation shall be fixed in the same way as that for collecting direct taxes.

ART. 31. The collectors shall receive a percentage and shall be responsible, at their own risk, for the assessments not collected as well as those collected.

ART. 32. The manner of appointing special collectors when this is not provided for in the regulations of the association shall be determined by the administrative commission, which shall fix also the percentage, the term of office, and the other conditions of the contract.

ART. 33. The appointment of special collectors shall be made by the administrative commission, and shall be submitted, together with the contract, for the approval of the prefect.

ART. 34. The special collector or one of the collectors of direct taxes who is charged with the duty of collecting the association's contributions may be charged also with the work of the cashier of the association.

ART. 35. The appointment of the special collector shall be made not later than the end of October of the year preceding that in which the collection of the contributions is to be made or of the year in which ends the term of office of the collector or collectors actually in service.

ART. 36. If the administrative commission shall not provide, in conformity with the provisions of article 30, or shall not appoint within the time prescribed, a special collector, the prefect shall appoint ex officio, or may commit, when it is possible, the collection of the association contributions to the collector or collectors of direct taxes, providing also in such cases for the regular performance of the duties of cashier.

ART. 37. The special collector, before his appointment is submitted for the approval of the prefect, shall signify his willingness to accept and guaranty his acceptance by a deposit of money or government bonds for such sum as shall be established in the contract.

The association shall not be obligated to the collector until his nomination has been confirmed by the approval of the prefect.

ART. 38. The special collector before assuming the office or not later than one month from the time of his appointment shall give a guaranty by consolidated bonds of the state or by the deposit of bonds of the same kind or of money in the Bank of Deposits and Loans for a sum corresponding to one share of the association contributions.

When the special collector is charged also with the duties of cashier he shall give another guaranty in a sum to be determined by the regulations of the association.

The public bonds shall be valued according to the average market value during the six months previous to the giving of the guaranty, and shall be computed only at nine-tenths of that value.

ART. 39. If the special collector shall not provide the guaranty in the measure and within the terms established he shall lose all the rights by his appointment, shall lose the deposit made according to the terms of article 8 of the present regulations, and shall be responsible for all damages and expenses.

ART. 40. If during the operation of the contract for collection the bonds given as a guaranty shall diminish in value or the guaranty shall for any reason lose in whole or in part its value, or in case the amount of the annual contribution shall be increased in such a way that the guaranty does not correspond to one share of the contribution, the collector shall give additional security within the time indicated in the notice which shall be sent him.

This time shall not exceed one month nor be less than three days from the time when the notice shall be sent.

If the collector shall neglect within the stated time to give the additional security the administrative commission shall request the prefect to announce the discharge of the collector or the appointment of a receiver.

If the administrative commission fails to make the request provided for, the prefect may perform these acts *ex officio*.

ART. 41. The association contributions shall be paid annually in one or more installments according to the provisions of the regulations of the association, in which shall also be stated the time when each share is due.

ART. 42. The collector of the association shall within 12 days of the time when each installment is due place at the disposal of the association or turn over to the association cashier in case he is not performing these duties, the entire amount of the installment then due.

In case of delay in making the payments above mentioned or in paying any orders issued by the association administration the collector shall be punished by a fine of 0.04 lire in favor of the association for each lire not turned over or paid.

ART. 43. In case of execution on the part of this commission against the collector, if the guaranty consists of a deposit in money, the prefect shall authorize the bank of deposit to pay to the association or its representative the sum with which it is credited.

ART. 44. When other parties proceed against the collector for execution for debt when he has not turned over the sums fixed when due, or has committed some abuse in the execution of his duties, the administrative commission of the association shall refer the matter to the prefect for a decision within his authority according to the terms of article 96 of the law of April 20, 1871.

ART. 45. In all cases which are not provided for in the present regulations the making and keeping of the assessment roll, the imposing, apportioning, and collecting of the association contributions shall be carried out according to law and the regulations in force for the land taxes.

ART. 46. When an association desires to obtain a loan from the Bank of Deposits and Loans the time for the payment of the association contribution shall be the same as that of the taxes on lands and buildings, and, except in cases where the association territory is comprised within the limits of a single commune, the association shall be obliged to appoint a special collector. The appointment, in case of delay on the part of the administrative commission, shall be made in conformity with article 56 of the present regulations.

ART. 47. For obtaining a loan from the bank of deposits and loans, provided for in article 9 of the law for the construction of new reservoirs or new works of diversion and aqueducts for carrying the water to the place of irrigation, the association, the province, or the commune which desires to construct them, shall apply to the minister of agriculture, industry and commerce.

This application shall be accompanied by the regulations, together with the certificate of their recording, if it is an association, or by the proper vote of the respective provincial councils or communal councils, relative to the construction of the works, if it is a province or commune, and by the plans of the works.

The minister of agriculture, industry and commerce, having referred the plans for the works, when necessary, to the minister of public works, shall announce in order the applications for concessions and if he approves shall inform the prefecture so that it may instruct the association or province, or commune, to make the application for the loan to the Bank of Deposits and Loans with the proper documents, in conformity with the provisions of the law and the regulations in force.

ART. 48. Similarly for obtaining concessions in accordance with articles 10 and 11 of the law for the construction of new reservoirs or new works of diversion, and for aqueducts to carry the water to the place of irrigation, the association, the province, the commune, or private citizens shall make application to the minister of agriculture, industry and commerce.

ART. 49. New works of diversion and for conducting water to the place of irrigation provided for in the preceding article may be either a new scheme or for the completion of works already begun, or for the enlargement or completion of works, for the purpose of increasing the supply of water for irrigation.

In every case it is necessary to submit regular plans of the works for which the concession is asked. Where it concerns works for the completion or enlargement of plans there shall be given also a description in detail of the works to be executed, revised and approved.

ART. 50. The application provided for in article 48 shall be accompanied by the following documents:

(1) The regulations with a certificate of their recording if it is an association which asks the concession: the deliberations of the provincial or communal council if it is a province or commune.

(2) The title of the concession or the ownership of water.

(3) A plan in duplicate of the works, accompanied by an indication of the parts into which the work is divided, and the periods within which each part of the work is to be executed, according to the provisions of article 13 of the law.

(4) A statement of the means with which it is intended to execute the works.

(5) A statement of the quantity of water which is designed to be used for irrigation and the quantity of water which is to be used for other purposes. When the water to be used for the purpose of irrigation is in a quantity less than one module but not less than three-fourths module the particular circumstances of the crops and places on account of which it is thought the provisions of the first paragraph of article 12 of the law are applicable, shall be stated.

(6) The deliberations of the province or commune in the territory of which irrigation is to take place, by which it binds itself to contribute to the works in a sum not less than one-tenth of the concession by the State.

These deliberations need not be made if it is a province or a commune which applies for the concession, or if the concession for the diversion is made to an association of communes or provinces.

ART. 51. The minister of agriculture, industry and commerce after examining the documents and having submitted the plans for the works and the amount of the expense, when necessary, to the minister of public works and having considered in a general way whether the request should be granted, shall ask the advice of the council of agriculture.

ART. 52. Having obtained the advice of the council of agriculture, the minister of agriculture, industry and commerce shall decide on the granting of the concession, and shall establish by a ministerial decree, to be registered in the court of the counts and to be published in the Official Gazette, the rate of annual interest to which is limited the contribution of the State, the duration of the contribution, and the number of parts into which the works are divided.

ART. 53. Copies of the decree mentioned in the preceding article, shall be communicated to the parties interested through the local prefecture.

ART. 54. After the completion of the construction of one of the parts of the new reservoirs, or new diversion works, or canals for the carrying of water to the zone of irrigation, the association, the province, the commune, or the private party which has obtained the concession under the terms of article 52 shall give notice by means of the local prefecture to the minister of agriculture,

industry and commerce and at the same time if it has contracted a loan or made other financial operations for the sake of obtaining the capital used in the construction of the works it shall present proof in the legal form, of the obligations contracted.

ART. 55. Having received the advice provided for in the preceding article, the minister of agriculture, industry and commerce, in accord with the minister of public works, shall send to the place an engineer of the board of civil engineers to determine whether the works have been constructed according to the plans which were deposited with the minister, and if the expense corresponds with the estimates.

ART. 56. With the advice of the minister of public works, the execution of the condition prescribed in the preceding article shall be verified by a special inspection after which the minister of agriculture, industry, and commerce shall issue a decree in which shall be stated the annual rate of the contributions by the State. Such annual rate shall not exceed, according to article 14 of the law, the sum of one-half of the interest provided for, exclusive of payments to the sinking fund.

If the interest is not agreed upon, or if proof is not presented, the contribution of the State shall not exceed $3\frac{1}{2}$ per cent, that is one-half of the legal rate of interest.

ART. 57. After the completion of the irrigation works if the volume of water diverted does not equal 30 modules or if all the water is not used for irrigation the contribution shall be reduced to the rate provided for works of the second class, taking into account the excess payments in the preceding years.

ART. 58. The decree contemplated in article 56 shall be communicated to the communes or the provinces which have contributed to the project, in order that they may inscribe the same in their budgets. In case of refusal this sum shall be assessed *ex officio* in accordance with the communal and provincial laws.

ART. 59. The payment of the first share of the contributions of the State, of the communes, and of the provinces shall take place one year from the date of the inspection provided for in article 56.

ART. 60. The expense of registry paid before the organization of an association, for documents which are subject to the fixed tax established in article 16 of the law, shall be reimbursed.

ART. 61. Associations for irrigation, after having completed the works for which they are organized, may be continued for the maintenance of the same works. In every case they shall continue to exist as associations for liquidation, for the payment of the debts contracted, for the collection of the contributions necessary for this purpose, and for the execution of all other unsettled business in conformity with the law of December 25, 1883, and the present regulations.

(Signed, etc.)

LAW ON THE RECLAMATION ^a OF SWAMPS AND WET LANDS.

(Codification of March 22, 1900.)

TITLE I. RECLAMATION IN GENERAL AND SPECIAL PROVISIONS RELATING TO RECLAMATION OF THE FIRST AND SECOND CLASSES.

CHAPTER I. RECLAMATION IN GENERAL.

ARTICLE 1. To the government is committed the supreme guardianship and the inspection of work for reclaiming lakes, swamps, and wet lands.

ART. 2. The reclamation to which the provisions of this law apply includes drainage and warping, both natural and artificial.^b

ART. 3. The works of reclamation are of two classes: The first class includes—

(1) Works which provide primarily for a great hygienic improvement.

(2) Works in which a great agricultural improvement is combined with an important hygienic improvement.

The second class includes works which do not present any of these special characteristics.

ART. 4. Reclamation works of the first class are executed by the State, or under concessions, by the provinces, by the communes, or by associations of the landowners interested, and are maintained by the landowners.

Works of the second class are executed and maintained by the landowners individually or united in an association.

The classification and maintenance of the roads referred to in paragraph *a* of article 7 shall be provided for in accordance with the rules prescribed in Title II of the law of March 20, 1865, Appendix F, on public works.

ART. 5. Reclamation works of both the first and second classes, upon the approval of the working plans acquire the character and have the advantages of works of public utility.

CHAPTER II. RECLAMATION WORKS OF THE FIRST CLASS.

ART. 6. The costs of reclamation works of the first class are borne, six-tenths by the State, one-tenth by the province or provinces interested, one-tenth by the commune or communes interested and two-tenths by the owners of the lands benefited.

^a According to Nazzani (Trattato di Idraulica Practica, p. 253), any operation which renders lands too wet for agricultural use fit for such use is called "bonificazione." In the text which follows "bonificazione" has been translated "reclamation." Wet lands which have no natural drainage outlet are reclaimed in two ways: (1) by drainage; (2) by "warping," or silting, thus raising the land sufficiently to make it drain. This law (see Art. 2) applies to reclamation of both kinds.

^b Nazzani classes drainage as "natural" when the drainage water can be disposed of by gravity; as "artificial" when the water must be lifted by mechanical means.

Provinces and communes are required to contribute to the cost of reclamation whether their lands are included within the boundaries of the reclamation project, or are outside of it, if these receive either an agricultural or hygienic benefit from the work.

In the first case they are bound to contribute as directly interested, in the second case as indirectly interested, and in proportion to the benefits received.

ART. 7. Works may be built only in accordance with working plans which have been approved by ministerial decree, according to the rules provided in the law of February 17, 1884, upon the general responsibility of the State, in the law of June 15, 1893, relating to civil engineers, in the regulations approved by royal decree of December 13, 1894, and in the regulations approved by ministerial decree of May 29, 1895, upon the compilation of plans for state works.

The plans for works contemplated by the present law shall include:

(a) The works necessary for the construction of the roads which shall be considered necessary to connect the reclaimed lands with the nearest centers of habitation.

(b) The works for reforestation and for protecting the mountain basins and sandhills, which may be necessarily connected with the work of reclamation.

(c) The works for diking the watercourses in the plains and those which serve to regulate torrents, in so far as this may be necessary to obtain the permanent reclamation of the lands to be benefited, which would be damaged by these watercourses.

The expense of these works shall be estimated and form a part of the sum indicated in the accompanying Tables I and III (see p. 57).

ART. 8. By a ministerial decree, approved by the superior council for public works and by the council of state, shall be established the boundaries of the property interested in the reclamation, and the sections into which it may be divided under the provisions of article 51, and shall be declared the shares to be contributed to the cost in the proportion indicated in article 6. These contributions shall be divided into annual payments running not less than five years nor more than thirty years, to begin on the first day of July following the date of the contract for the works, according to the regulations which shall be adopted for the execution of the present law, to be approved by the superior council of public works and the council of state.

The number of annual payments shall be determined by the minister of public works in accord with the minister of the treasury, with the advice and consent of the superior council of public works and the council of state.

Upon the completion of the works, the apportionment of the cost shall be definitely established on the basis of the expense actually incurred.

For the payment of the contributions by the provinces and communes, to be assessed in proportion to the lands to be benefited, located within their respective territories, the provincial and communal administrations shall set aside annually in conformity with the law of April 19, 1872, so much of their direct taxes as represents their respective contributions.

Upon the lands of the proprietors included within the boundaries of a reclamation project, there shall be imposed a special tax on the basis fixed in article 39, to be collected by the State until the extinction of its credit, under the form and with the privileges of the land taxes.

This special tax shall be a lien upon the lands.

On July 1, 1900, this special tax shall be substituted for the special tax imposed by the defunct Neapolitan government for the execution of reclamation works.

ART. 9. When provinces, communes, or associations already legally organized or which may be organized among the landowners interested, shall make appli-

cation to execute at their own expense reclamation works of the first class, the minister of public works, acting with the minister of the treasury and upon the advice of the superior council of public works and the council of state, shall have the right to grant such concession, upon the condition that the applicant is shown to have the means of meeting the whole expense, except that it may collect the share to be contributed by the State as set forth in Tables I and III (see p. 57), for works constructed under concessions.

The State shall also pay interest at 4 per cent on the sum charged to it, to run from the general or partial inspection of the works until the actual payment is made, according to rules which shall be established in the regulations.

ART. 10. The general and working plans of works to be built under concessions under the terms of the preceding article 9 must be approved by the minister (of public works), on the advice of the superior council of public works, and of the council of state, after having ascertained through the board of civil engineers the conditions and the unit prices which have served as a basis for the estimates made. The amount of the cost to be paid by the State shall be based on the estimates contained in the working plans, with an addition of 12 per cent for the expenses of surveys, compiling plans, administration, salaries, direction and superintendence, but not covering unforeseen work or acts of the "higher power."

The amount to be paid by the State, determined in this way, shall be fixed, whatever may be the actual cost of the works; and the State shall be bound for this amount in favor of the association or private parties who have provided the funds for the execution of the works.

ART. 11. The decree of concession shall establish the time in which the works shall be begun and completed and shall determine under what circumstances the concession shall become void.

ART. 12. For the construction of works of the first class, when the territory interested is entirely within the boundaries of an association legally organized and already regulated by the provisions of existing law, said association shall perform also the functions of a special association for reclamation.

ART. 13. A commission presided over by the prefect and composed of one representative of the province, two delegates from the communes interested, one delegate from the provincial board of health, and one person selected by the proprietors interested, shall inspect the works during construction and transmit each year to the minister of public works a report of the progress of construction.

The regulations shall prescribe the rules for the election and government of this commission.

With his annual estimates the minister of public works shall present to parliament each year a report showing the progress of work on all the reclamation projects within the kingdom.

ART. 14. The proceeds from vegetation upon the banks and embankments of canals, from the cutting of vegetation, from fishing privileges, rental of all lands belonging to the government connected in any way with reclamation projects in progress, the fines, and all other incomes shall be paid to the State or to the grantees until the reclamation works are completed and have been turned over to an association for their maintenance.

When the works have been turned over to the said association these payments shall be made to the association.

ART. 15. It belongs solely to the administrative authority, except for intervention by the courts, to decide in case of contest whether the works conform to the purpose which they are to serve, to technical needs, and to proper building regulations.

In case of total or partial, permanent or temporary, expropriation of lands, or when for any reason payments are to be made on account of damages resulting from the construction or operation of reclamation works, whatever may be the crops or the industries which are found upon the land, the damages shall be determined, except in cases in court, by arbitration to be made by three arbiters, one appointed by the minister of public works, one by the possessor or possessors of the land, and the third by the first president of the territorial court of appeals.

The president shall also nominate the arbiter or arbiters not named by the other parties within the time fixed.

CHAPTER III. RECLAMATION WORKS OF THE SECOND CLASS.

ART. 16. Any one intending to make surveys for a reclamation project of the second class shall present an application to the prefect of the province, indicating the territory where surveys are to be made and the time within which it is proposed to commence and to complete the surveys.

These surveys shall be made according to the provisions of article 7.

Such permission may be granted contemporaneously to several persons. The provisions of articles 7 and 8 of the law of June 25, 1865, are applicable to such surveys.

ART. 17. Reclamation works of the second class are executed and maintained by associations which may be either voluntary or obligatory.

ART. 18. Voluntary associations are organized with the consent of all those interested.

ART. 19. In order that voluntary associations may enjoy the benefits indicated in article 54 of the present law, their constitutions shall be transmitted to the prefect and published in abstract in the bulletin of the legal notices of the prefecture.

ART. 20. Voluntary associations may, two years after their organization, make application to be declared obligatory associations when the works affect the public health or serve for a considerable agricultural improvement.

The application for this change shall be the result of a vote of those interested who represent at least two-thirds of the land which is to constitute the association or a favorable vote of two-thirds who represent more than half of the area.

The statement shall be made according to the rules prescribed by article 24.

ART. 21. Obligatory associations are organized upon the initiative of those interested, of the municipal juntas, of the provincial deputations, and also of the State through the prefects.

This initiative may be taken on account of the public health or a considerable agricultural improvement.

ART. 22. When the initiative comes from a municipal junta, from a provincial deputation, or from the State through the prefects, the proposal of the plans of the works to be built according to article 7 shall be posted, and within a term of two months any objections to the plan may be presented to the office of the commune or communes within the territory of which are included in part or in whole the lands which it is proposed to reclaim.

Any one interested or merely inscribed in the administrative list of the commune in which this publication is made has the right to present objections.

The objections shall be accompanied by explanations.

At the end of two months or within two months the councils of the communes within the territory of which are included in whole or in part the lands to be reclaimed shall take a vote upon the organization of the proposed association and decide upon the objections which have been presented.

Afterwards and within four months the communal councils shall ask for a similar vote by the councils of the provinces within the territory of which are located in whole or in part the lands to be benefited.

When the votes of the communal and provincial councils are both in the negative, the obligatory association shall not be organized.

If the prescribed term passes without action the government may proceed to the organization of an association without the votes of the communal and provincial councils.

ART. 23. When the initiative comes from those interested, if they represent a minority of the lands to be benefited, the association may not be organized according to the rules contained in the preceding article.

If they represent a majority of the lands, the minister of public works, with the advice of the council of the province within the territory of which are situated all or a majority of the lands to be benefited, may propose according to the rules set forth in the following article, the decree which creates the association.

ART. 24. The final organization of obligatory associations is established by royal decree upon the proposal of the ministers of public works and of agriculture, industry, and commerce, with the advice of the superior council of public works and of the council of state.

ART. 25. The expense which obligatory associations incur for the execution of works necessary for reclamation when their execution is undertaken through the initiative contemplated in article 22 shall be borne as follows:

One-tenth by the State.

One-tenth by the province or provinces directly or indirectly interested.

One-tenth by the commune or communes directly or indirectly interested.

Six-tenths by the proprietors directly or indirectly interested.

The share due from the provinces and the communes is divided in proportion to the area of the lands to be benefited or which receive benefit, included within their respective territories.

The proprietors shall be divided into classes according to their different degrees of interest.

When the reclamation has been completed according to article 50, the State, the provinces, and the communes may demand the repayment of their share of the cost, or any part of the same, apportioning it among the proprietors in proportion to their respective classes. This collection shall be made in annual installments, not less than 10, and the sum to be refunded shall not bear interest. These same conditions may be applied to the reclamation of the lands of a single proprietor.

When the works are initiated by those interested, according to article 23, all the expense necessary shall be met by the proprietors directly or indirectly interested divided into classes, according to their various degrees of interest.

ART. 26. To the organization and operation of associations, either voluntary or obligatory for reclamation works, are applied the general rules relative to the operation of associations for works for the defense of public waters, contained in chapter 2, title 3 of the law on public works, of March 20, 1865, in so far as they are not in conflict with the present law.

ART. 27. The proprietors of lands included within the boundaries of a reclamation project who have not joined the association may within the term of two months following the organization of the association declare to the prefecture their intention to cede their lands to the association.

Their acquisition shall be obligatory upon the association and the price of expropriation shall be determined according to the rules prescribed by the

law of June 25, 1865. This price may be paid to the proprietor in annual installments with the legal interest in a period not greater than 20 years.

ART. 28. Whenever an association, either through delay in the execution of its works or through the failure to observe the rules established by the present law or by its own constitution, fails in the purpose for which it is organized, the government, with the advice of the council of state, may by royal decree dismiss the administration and assume the duty of executing the reclamation works.

One year after the date of the royal decree which dismisses the administration of an association, the proprietors interested may apply for a reconvening of the general assembly for the reestablishment of the administration of the association.

Should the administration of the association be again dismissed the proprietors interested may not apply for reorganization until after three years from the date of the last royal decree.

ART. 29. The association deputation shall compile the general technical and economic plans for the reclamation, in which it shall indicate the time and the order in which the works shall be executed and completed.

In these plans the work of reclamation may be divided into several sections.

The working plans shall be compiled as the works are to be constructed.

ART. 30. The general plans having been accepted by the assembly or by the council of delegates, shall be transmitted to the prefect together with any objections which have been presented at the time of posting. Having consulted the board of civil engineers, the prefect shall transmit the plans with his own observations to the minister of public works, who shall decide finally upon the plans, with the advice of the superior council of public works.

ART. 31. The working plans for the new works shall be approved by the prefect, with the advice of the board of civil engineers. The plans for ordinary maintenance shall be approved by the administrative deputation of the association.

CHAPTER IV. RECLAMATION WORKS AND THE RIGHTS OF THE OWNERS OF LANDS DURING THE PROGRESS OF THE RECLAMATION.

ART. 32. The owners of land included within the boundaries of a reclamation project shall make within their lands all the minor works which are necessary for their drainage and these shall not interfere with those which are being executed for the main project.

In case of refusal to execute these works the administrative deputation of the association shall fix a time within which the works shall be completed and if they are not completed within this period, shall provide for their execution, the cost to be paid by the owners of the lands under the forms provided for the collection of association contributions.

From the decisions of the administrative deputation in respect to the works prescribed or the expense of these works the owners may appeal to the prefect, who shall make a final decision, with the advice of the board of civil engineers.

ART. 33. The use of the property situated within the boundaries of a reclamation district shall remain with the owners of the lands except for the temporary or permanent occupation of these lands which may be necessary for the execution of the works.

For temporary occupation the association shall pay an indemnity to the respective proprietors; for permanent acquisition the lands occupied may be secured by the payment of a price determined according to the provisions of the last paragraph of article 27.

ART. 34. The lands to be benefited by warping are occupied temporarily by the association during the time of the execution of the works.

The proprietors of these lands have the right to an annual indemnity to be computed on the basis of the average income for the preceding ten years.

In such case the association shall have the use of the lands being reclaimed until they are turned over to their respective proprietors.

The proprietors of the lands to be improved by warping may, by refusing any indemnity, remain in possession of their lands and enjoy the use of them except that they shall not hinder in any way the regular progress of the reclamation.

ART. 35. When it is not possible to come to an agreement regarding the amount of the indemnity or the price of expropriation provided for in articles 33 and 34, the procedure shall be according to the law of June 25, 1865, on expropriation for public use.

The association may take temporary possession of the lands to be benefited by warping on depositing the price offered for the first year of their occupation.

ART. 36. To the reclamation works contemplated in the present law are applicable the provisions contained in article 127 of the law of March 20, 1865, on public works.

CHAPTER V. ASSOCIATION CONTRIBUTIONS AND OTHER FINANCIAL MEANS OF THE ASSOCIATION.

ART. 37. Those interested, the proprietors of lands included within the boundaries of a reclamation project, shall contribute to the expense by means of taxes levied upon all the land within the association, which shall be divided into zones or classes in proportion to the benefits which are received from the reclamation.

ART. 38. The provinces and the communes have the right to contribute by subsidies to the cost of the reclamation works which are executed by either voluntary or obligatory associations organized according to article 23.

ART. 39. If the taxes are not fixed as provided in article 37, the area of land and the amount of the principal taxes upon the land and buildings shall serve as a basis for the apportionment of association contributions.

Such provisional apportionment shall be made one-half in proportion to the area and one-half in proportion to the taxes.

The classification having been completed, the equalization among the different parties interested shall follow.

ART. 40. Those institutions which exercise within the kingdom the right of making loans on real estate have the right to give to voluntary associations which have complied with the provisions of article 19 and to obligatory associations loans or anticipations in current accounts up to three-fifths of the estimated value of the association lands, taking mortgages upon these lands in accordance with special laws.

ART. 41. The associations mentioned in the preceding article may contract, in conformity with the present law, loans with the savings bank and with other public institutions of credit and also with private parties. These loans may not be made except upon approval of the contracts by the provincial administrative junta, the decrees of which shall be attached to the contracts and form a part thereof.

ART. 42. When loans and anticipations have not been made according to the preceding article the voluntary associations which have complied with the provisions of article 19 and obligatory associations may, after securing authorization from the minister of agriculture, industry, and commerce, issue bonds to be paid by annual installments until their extinguishment.

If loans or anticipations have been made the issue of bonds may not be permitted unless it is shown that their issue is for the purpose of extinguishing the loans and reimbursing the anticipations.

ART. 43. These bonds may be issued in series, with different periods of payment. The duration of the term of these bonds shall not exceed 50 years.

ART. 44. Several associations may associate for issuing a single series of bonds when they have been granted this right by royal decree upon the proposal of the minister of agriculture, industry, and commerce.

The provisions of the code of commerce concerning the issuing of guaranteed obligations and bonds by the communes or provinces are also applicable to the bonds of associations for reclamation, either voluntary or obligatory.

ART. 45. The taxes which the administration of an association collect annually from the proprietors directly or indirectly interested shall include the annual amount necessary for the repayment of their loans, bonds, or other financial obligations, and shall include also the amount necessary for meeting the expense of maintaining the works and for ordinary administration of the association.

ART. 46. When the administration of an association omits for any reason to levy the association taxes necessary to extinguish their obligations prescribed in the preceding article, the provincial administrative junta shall insert a corresponding sum in the balance of the association and provide for its collection either by the communal collector or by a special collector, and all of the expense incurred for this operation shall be charged to the association.

ART. 47. Any landowner may extinguish his part of the debt due to the issue of bonds provided for in articles 42, 43, and 44, in annual installments not less than ten, by assigning to the associations bonds issued by the association of an equal value.

ART. 48. The minister of agriculture, industry, and commerce shall by proper regulations establish rules for the supervision of these financial operations of credit by the reclamation associations which shall be observed in the creation, issue, and retirement of bonds.

The expense of this supervision shall be charged to the associations.

ART. 49. There is given to the bank of deposits and loans the right to grant to voluntary associations which have complied with the provisions of article 19, and to obligatory associations loans payable in a term not greater than 30 years at the normal rates of interest by means of the assessment of association taxes, according to article 17 of the law of May 17, 1863, and according to article 17 of the law of December 9, 1875.

CHAPTER VI. COMPLETION, MAINTENANCE, AND PROTECTION OF RECLAMATION WORKS.

ART. 50. For the effects of this law a reclamation project shall be considered completed when within the boundaries there have been executed the works provided for in the approved plans and the lands are found to be in condition to be cultivated.

A commission nominated by the minister of public works and composed of one inspector of the board of civil engineers, the chief engineer of the board of civil engineers of the province in which the works or the greater part of them are located, one delegate from the provincial board of health, and one representative of the minister of agriculture, industry, and commerce, shall ascertain the completion of the reclamation works, whether they are executed directly by the State or under a concession by others.

This inspection shall take place for each of the separate sections into which a project may be divided within the boundaries of a reclamation project under the terms of article 8.

ART. 51. When a reclamation project or a part of it shall be declared completed under the terms of the preceding article 50, and consigned to an obligatory association for its maintenance, this association shall proceed to the definite apportionment of the cost due from each proprietor, dividing the lands benefited into classes, according to the benefit which is received or will be received from the reclamation works.

On the basis of this apportionment the association shall establish according to the rules which shall be prescribed in the regulations for the execution of the present law, the time and the manner in which shall be paid the contributions by the proprietors benefited and the sums due to the proprietors damaged.

The contributions due from the proprietors are considered a lien upon the lands.

ART. 52. When the works of a reclamation project, or of one of the sections into which it is divided according to the last paragraph of article 51, are near completion, the minister of public works shall propose and may force when necessary the organization of an association among the proprietors interested for the maintenance and protection of the works built.

If the works built are within the boundaries of an association already legally organized this association shall perform the duties of an association for maintenance.

When the association is organized among the proprietors of one of the above-mentioned sections the proprietors in addition to the maintenance tax shall continue to pay the special tax established under the terms of article 8 for the entire project.

In the regulations for the execution of the present law there shall be established special rules for the creation, organization, and operation of such associations.

ART. 53. To the above mentioned associations for maintenance, which are obligatory, are extended the provisions of article 28.

To the expense of reclamation the proprietors of land situated outside the boundaries of the project, indirectly interested, shall contribute by means of a tax distributed in zones or classes in proportion to the benefits received from the reclamation works. The proposal for this contribution shall be contained in the technical economic plan for the reclamation and communicated to those who are to be asked to contribute.

CHAPTER VII. GENERAL PROVISIONS.

ART. 54. Associations organized in accordance with the provisions of the present law have the right to bring suit, to make contracts, and to do through their presidents or their deputations all those acts which in the course of their administration are within the limits of the powers given to them by their respective constitutions.

ART. 55. The collection of the association contributions and of the annuities provided for in articles 37, 39, 42, 43, 44, 45, 52, and 53 of the present law, and also of all fines, shall be made by the administrations of the reclamation associations and in the cases contemplated in article 46, by the provincial administrative juntas, under the forms and with the privileges in force for the collection of land taxes.

The collectors of the associations are for this purpose invested with the rights attributed to communal collectors.

ART. 56. All documents which are filed in the interest of associations for reclamation are registered on the payment of a tax of 1 lire.

Mortgages made in the interest of an association are also subject to a tax of 1 lire.

ART. 57. The increase in the returns from the lands reclaimed under the provisions of the present law are exempt from land taxes for 20 years, to begin from the date when, according to the general plans, the reclamation should have been completed.

ART. 58. The increase in the value of lands exclusively due to the reclamation works shall not increase the tithes or other taxes unless the extension of these taxes to the increased product resulting from the reclamation works provided for in the present law is expressly provided for in special obligations.

The annual amount of tithes or other taxes to be collected during the period when the land being reclaimed is only partly productive shall be determined upon the basis of the average taxes for the last ten years.

ART. 59. When one or several streams within the district benefited belong in the second class as defined by the law of March 20, 1865, on public works, they shall be classified according to the provisions of the same law.

ART. 60. For associations which extend into several provinces, the prefect or the provincial administrative junta of the province in which is situated the greater part of the area to be benefited shall do all the acts prescribed in the present law.

ART. 61. In addition to the regulations to be issued for the execution of the present law the provisions of Title III, Chapter VII of the law of March 20, 1865, Appendix F, shall apply to the reclamation works of the first and second classes, executed or to be executed, with the modifications which are necessary on account of the nature of the works.

To the same reclamation works shall also apply the provisions of articles 374, 375, 376, 377, 378, and 379 of the above mentioned law of March 20, 1865.

ART. 62. Contracts for works contemplated in the present law may be let by private bidding.

TITLE II. CLASSIFICATION OF RECLAMATION WORKS AND ADMINISTRATION OF FUNDS FOR THEIR EXECUTION.

CHAPTER I. CLASSIFICATION OF RECLAMATION WORKS.

ART. 63. To the list of reclamation works already classified as belonging to the first class by the royal decree of July 2, 1885, October 11, 1885, and January 11, 1887, are added the following:

- (1) The Brescia fields between the Melia and the Ghiese in the province of Brescia;
- (2) The territory of lower Gorzon association in the province of Padova;
- (3) The territory of the Brancaglia association in the province of Padova;
- (4) The plain of Piscinara, in the province of Roma;
- (5) The plain of Gatania in the province of Gatania;
- (6) The valley of the Idro in the province of Lecce;
- (7) The valley of Ghiana in the provinces of Arezzo and Siena, in so far as regards the systematizing and the prolongation of the bed and the banks of the main canal and its two branches, these works to remain in the second class as regards their maintenance and the embankments already existing along these watercourses.

(8) The great valleys of Verona and Ostiglia in the provinces of Rovigo, Verona, and Mantova, for building the necessary works.

(9) The Pontine swamps in the province of Rome, as regards the completion of the reclamation: the decree of March 31, 1862, of the defunct pontifical government regarding the division of the expense for the maintenance of the existing works to remain in force;

(10) Reclamation works in the course of construction in the southern provinces are to be regulated by the law of Naples of May 11, 1855, concerning the completion of the necessary works.

(11) The reclamation of Lake Bientina in the provinces of Pisa and Lucca for the control of the water flowing into the lake, according to article 4 of the grand ducal decree of Tuscany, dated March 18, 1853.

(12) The Brindisone fields of the province of Lecce.

ART. 64. The government of the King, not later than June 18, 1901, shall proceed to the classification of the reclamation works contained in Appendix A and shall make the surveys necessary to the determination of the cost of those stated to be of the first class for the execution of which there shall be set aside an annual sum of 1,000,000 lire for 24 years, to begin in 1903-1904, which shall be contributed by the State. Within this time there shall be the proper provision by law for the division of these funds.

CHAPTER II: ADMINISTRATION OF THE FUNDS FOR THE CONSTRUCTION OF WORKS.

ART. 65. The payments due by virtue of preceding laws and those which arise from the construction of works authorized by the present law, the amount to be contributed by the State, and the number of installments into which it shall be divided are established in the annexed tables, I, II, III, and IV (see p. 57).

For such works there is authorized in addition to the fund of 5,751,100 lire, inscribed among the extraordinary expenses in the estimates of the ministry of public works for the season of 1899-1900, an additional amount of 2,441,400 lire for the seasons of 1900-1901, 1902-1903, and the sum of 4,991,757.14 lire for each of the following seasons annually until 1923-1924. For each of the reclamation projects there shall be set aside in the estimates a separate amount. In the estimates of receipts there shall be entered for each year a share which should be paid by the provinces, the communes, and the private parties on the basis of decrees of division issued according to article 66.

ART. 66. The sums at the disposition of the administration, indicated in table 4, shall be increased by any balances which may remain from the estimated expense of any works and the interest accumulating upon the current accounts provided for in article 67, which shall constitute a reserve fund for the following purposes:

(a) To meet the excess of expense over the estimates for reclamation works contemplated in the present law.

(b) To meet the expense of maintenance until works are completed and turned over to an association.

(c) To meet any deficiencies in the funds which are set aside for the completion of the works now in the course of construction including the works (see article 7) of improving the swamps of Lisimelie, Mondello, Napoli, Policastro, Rocca Imperiale, Mariana di Catanzaro, and of the lakes of Regi, Dragone, Acquafondata, and Orbetello; and of the plains of Telesino, Vada, and Golle Mezzano, and of Salina and Salinella San Giorgio near Taranto; the special regulations which regulate each of these reclamation works to remain in force.

(d) The payments to the association interested established under article 9.

(c) The payments of the contributions of the State to reclamation works of the second class according to article 25.

ART. 67. The Bank of Deposits and Loans may open current interest-bearing accounts to which the treasury shall annually make payments, as follows:

(a) The balances resulting from extraordinary reclamation works up to June 30, 1900;

(b) The sums annually placed in the budget of the public works for the reclamation works beginning with the season of 1900-1901.

The payments provided for in paragraph *a* shall be made in six annual installments in the month of July of each season beginning with 1900-1901. The payments provided for in paragraph *b* shall be made in three equal installments in the months of October, February, and April of each season. If during any season it is necessary to pay out funds under paragraph *a* in excess of the amounts of the annual allotment, the ministry of public works shall in the agreement with the ministry of the treasury provide the necessary funds.

The interest which shall arise upon this current account shall go to increase the reserve fund provided for in article 66.

ART. 68. For the carrying out of article 67 there shall be placed annually in the estimates of the ministry of public works, beginning with the season of 1900-1901, the following entries:

I. *Circulating funds*.—Under expenses a complete assignment of the funds arising from the balances from extraordinary reclamation works up to June 30, 1900, and the sums set aside for the works under the present law.

Under income, a sum equal to that entered under expenses, representing the payments to be made from the current account with the bank of deposits and loans, taking into account the amounts deposited for extraordinary reclamation works.

II. *Income and effective expense*.—Under expenses, the assignment for each of the various reclamation projects according to the provisions of the present law.

Under income, the contributions due from the above mentioned sources and the interest arising upon the current account provided for in article 67.

ART. 69. From the funds entered under effective expense, according to the preceding article, the minister of public works shall provide according to the rules prescribed by the laws in force on the general accounts of the State for the payment of the sums annually necessary for the execution of the reclamation works contemplated by the present law.

All the balances as well as the interest maturing upon the current account provided for in article 67 shall go to increase the reserve fund provided for in article 66, which shall be entered in the fund set aside for the extraordinary expense of reclamation and from which by ministerial decrees shall be paid the sums which may be necessary to increase the various funds for the above mentioned works and other sums necessary.

ART. 70. The minister of public works shall keep a separate account for each reclamation project and the sums set aside for one may not be used for another except that when there is a balance after a project has been finally completed and inspected, such balance shall go to the reserve fund provided for in article 66.

If the working plans shall show or if for any other reason it is necessary to increase the estimate for the works to be built over the sum stated in the table, the funds necessary shall be taken from the amount set aside for the season of 1924-1925.

ART. 71. Savings banks and institutions which make loans on real estate, except banks of issue, are authorized to make loans to provinces, to communes,

and to associations of interested parties for the construction of reclamation works within the limits which are established by their respective constitutions and regulations, upon approval according to the rules prescribed by the laws of July 15, 1888, and February 22, 1885.

The security for the repayment of loans made by the savings banks or other institutions which make loans on real estate whether to corporations or private parties, shall be subject to all the provisions of article 8.

Each individual reclamation work shall be provided for by royal decree proposed by the minister of agriculture, industry, and commerce, with the approval of the ministers of public works and of the treasury.

Title III contains provisions regarding individual projects undertaken by the Government of Italy and also special laws of defunct governments, which are continued in force by the Italian Government.

Appended to the law are tables showing the funds allotted to each of the reclamation projects in course of construction for the seasons from 1900-1901 to 1923-1924, and the amounts which are to be contributed by the provinces, communes, and the private parties interested.

The law approved July 7, 1902, sets aside funds for additional reclamation works provided for in article 64 of this law up to the season of 1932-1933. It provides also that associations legally organized for the construction of reclamation works under the law of March 22, 1900, may bind their taxes and association contributions as security for loans contracted under the law for the construction of new reclamation works or for the completion of existing works and also for the conversion of debts contracted under the authority of law. These obligations assumed by associations of landowners are a lien upon the lands included, this lien taking precedence of all others, except land taxes.

The tables appended to the law show allotments for works in progress in 1900 to be built by the State, of 63,500,000 lire to be paid during the seasons from 1900-1901 to 1923-1924, as follows: By the State, 42,796,000 lire; by the provinces 5,176,000 lire; by the communes 5,176,000 lire; by the interested parties 10,352,000 lire. For projects yet to be undertaken 119,424,000 lire to be paid as follows: By the State 71,654,400 lire; by the provinces 11,942,400 lire; by the communes 11,942,400 lire; by the interested parties 23,884,800 lire. For the additional works provided for by the law of 1902 there was allotted 63,000,000 lire to be paid during the seasons from 1903-1904 to 1932-1933, as follows: By the State 37,800,000 lire; by the provinces 6,300,000 lire; by the communes 6,300,000 lire; by the interested parties 12,600,000 lire.

REGULATIONS FOR THE EXECUTION OF THE LAW ON THE DRAINAGE OF SWAMPS AND WET LANDS.

October 21, 1900. No. 469.

TITLE I. RECLAMATION PROJECTS OF THE FIRST CLASS.

CHAPTER I. RECLAMATION CARRIED ON BY THE STATE.

SECTION I. GENERAL PLANS.

ART. 1. When it is considered necessary to make a general plan, this shall contain, in addition to what concerns works of reclamation properly so-called and which are indicated in letters *a*, *b*, and *c* of article 7 of the law, the following documents :

(1) A map representing the entire territory which is presumably to constitute the section which is interested in the reclamation by reason of the condition of agriculture, or health, or either one or both together, according to articles 6 and 8 of the law, on which map shall be shown by different colors the parts of the territory within which the works shall be constructed.

(2) A descriptive list of the lands comprised in the map.

(3) The proposed classification of the roads when there are any.

For the making of the map and the list the rules established in articles 7 and 8 of the law of June 25, 1865, concerning expropriation for public use, shall be observed.

ART. 2. The general plans shall be communicated through the prefects to the boards of health of the provinces in which are found lands to be reclaimed, for their consideration as regards the public health.

In transmitting the plans the prefect shall fix a term within which the advice shall be given. This term having passed without any action the boards of health are considered as having approved the plans.

SECTION II. WORKING AND ECONOMIC PLANS; THEIR PUBLICATION AND APPROVAL.

ART. 3. The working plans shall be compiled in conformity with the provisions of article 7 of the law, and shall be published within the terms and according to the rules established in articles 5, 6, 7, and 8 of the present regulations.

ART. 4. In addition to the working plans mentioned in the preceding article, there shall be compiled a separate economic plan, including—

(*a*) A map showing the lands designed to be included within the boundaries of the reclamation district.

(*b*) A descriptive list, divided as to provinces and communes, of all the properties interested in the reclamation and of those to which the works should be extended.

In the list are to be indicated the boundary, nature, quantity, the legal descriptions and where possible, the numbers of the maps of the individual holdings, the Christian and surnames, of the proprietors inscribed in the assessment rolls and, where there is none, in the assessment roll for land taxes.

(*c*) The proposal for the apportionment of the communal and provincial contributions to the cost of reclamation, proportioned to the advantages, agricultural and hygienic, according to article 6 of the law.

(*d*) The proposal of the shares which, in accordance with articles 6, 8, 39, and 53 of the law, shall be assessed to each zone of the land interested in the reclamation when it is completed.

(e) A proposal relative to the number of annual payments into which the contributions indicated in letters *d* and *e* shall be divided.

(f) The estimated amount of the payments specified in article 14 of the law. The collection of these rents during the construction of the works shall be given by agreement to the contractors on the works, according to the provisions of a special agreement, and the relative amounts shall be credited in full, without any reduction, on the net price of the works.

ART. 5. The working plan shall be published in such part as does not conflict with the restrictions contained in article 330 of the law on public works, March 20, 1865, Appendix F, but the part published shall always include the drawings, shall show the manner of executing the works, and shall contain all the information which constitutes detailed working plans under the terms of the law of expropriation for public use, June 25, 1865.

The economic plans shall also be published separately from the working plans and the publication of the two plans shall take place after the minister has endorsed them as worthy of approval.

One copy of each plan, except for the above mentioned limitations, shall be transmitted to the prefecture of the province in which are found the lands to be reclaimed, or the greater part of them, in order that their publication may be provided for.

ART. 6. The prefect shall publish a notice which shall announce that a copy of the working plans and of the economic plans will remain exposed for 15 days following the date of publication of the notice at the prefecture, and that those interested are free to inspect them at any time during the ordinary office hours, and to present within the term of 15 days following the last day of publication, their complaints either directly or through their respective communes.

This notice shall be inserted in the bulletin of the legal notices of the province and copies of the same in duplicate shall be sent to each of the communes in which are found properties interested in the reclamation, in order that they may be published in the towns on a stated day established by the prefect for all the communes. This notice shall remain posted for 15 days following that of its posting.

In the notice shall be stated the day in which shall end the term for the presentation of objections.

The mayor shall send immediately to the prefect a certificate of the posting of the notice.

The publication of the working plans shall be made also in those communes in which, although they are outside the boundaries of the reclamation district, are included lands on which are to be executed works belonging to the reclamation project, which can permanently influence the conditions of the lands.

ART. 7. In the book of the legal notices shall be inscribed, in addition to the notice of the prefect, a list of the communes interested in the reclamation project and of those into which the works may eventually be extended, and there shall be inscribed also the entire list provided for in letter *b* of the preceding article 4.

To the notice published in the communes shall be attached a copy of the drawings indicated under paragraph *a* of the preceding article 4, and that part of the list of the properties relating to the commune in which the publication is made, with all the information prescribed in the above cited paragraph *b* of the same article.

At the time of sending the notices to the communes the prefect shall send a copy to the provincial deputation and shall ask it to inspect all the documents published and to present within the time fixed for other interested parties any observations it may have. The same right belongs to the municipal and com-

munal juntas in which the notices are published and to the representatives of the hydraulic associations existing within the territory of the said communes.

ART. 8. In case a reclamation project, or the works belonging to it, extends to several provinces, the prefect charged with the publication shall communicate at the same time as the notice, a copy of the working plans, and when necessary, of the economic plans, to the prefect of each province in order that they may publish them in the manner established above.

Each prefect shall collect the observations which may be made by private parties, by the provincial deputation, and by the communal or association juntas, and, after having secured the advice of the board of civil engineers, shall send the original, with all this advice, to the prefect who requested it.

ART. 9. The prefect of the province in which is found the greater part of the land to be benefited shall bring together the observations and objections presented and with the advice of the competent boards of civil engineers and with his own advice, transmit them to the minister.

The minister of public works, with the advice of the superior council of public works and of the council of state, shall decide finally by decree, upon all the objections and observations, except those which are presented to the proposals included in letter *d* of the preceding article 4, the decision of which shall be referred to the meeting for the formation of the association for maintenance. The working plans, the boundaries of the reclamation district, and the economic plans shall be approved in this decree or by a separate decree.

With the decree approving the economic plan the minister of public works, with the advice of the minister of the treasury, shall determine the number of annual installments into which the contribution to be paid by those interested shall be divided, in accordance with the first paragraph of article 6, and the second paragraph of article 8 of the law, and of articles 115 and 116 of the present regulations.

ART. 10. When a plan for reclamation contemplates works for reforestation or for the protection of mountain basins, the prefect who carries out the preceding instruction shall ask the advice of the forestry committee of the province in which the works are to be executed regarding them, and afterwards the minister of public works, through the minister of agriculture, industry and commerce, shall ask the advice of the forestry council.

If, on the contrary, the plan contemplates works for the prevention of erosion of dunes it shall be communicated to the minister of marine in order that he may declare whether there is anything of interest to his department in the works planned.

ART. 11. The plans which are necessary to be compiled for additional works or for the completion of the works, for changes in working plans already approved, for the assessment of damages, and for the temporary maintenance of the reclamation works which are necessary up to the time that the works are turned over to the association for maintenance, are approved in the ordinary way; and all increased expense resulting from those works of reclamation, shall be divided biennially, by a supplemental list, between those interested.

ART. 12. Any opposition which may arise to the classification of roads shall be provided for in conformity with the provisions of title 2 of the law of March 20, 1865, Appendix F.

CHAPTER II. RECLAMATION WORKS TO BE EXECUTED UNDER CONCESSIONS, BY COMMUNES OR PROVINCES.

SECTION I. GENERAL PLANS.

ART. 13. A proposal to be submitted to the provincial council or the communal council which has for its object an application for a concession for the execution of reclamation works of the first class or a part of such works, according to the provisions of article 29 of the present regulations and the terms of articles 4 and 9 of the law shall be accompanied by—

(a) The general plans of the entire reclamation project which may be also those which serve as a basis for the classification of the reclamation project, if they contain all the information and economic documents prescribed in article 1 of the present regulations.

(b) The working plans of the works with a statement of the order and the time in which they are to be executed.

(c) The financial plans.

(d) The proposal relative to the number of annual installments into which it is proposed to divide the contributions of the provinces, the communities, and those interested.

Where the financial plan contemplates an operation of credit, there shall be united with it a statement by an institution of credit or bank or commercial house of known solvency, or a private party also of known solvency that it will assume to furnish to the commune or the province the necessary funds, after it has obtained a concession.

ART. 14. The president of the provincial deputation or the mayor shall send a notice of the proposal mentioned in the preceding article and of the presentation of the same to the several councilors five days previous to the meeting of the council, the same as for a special meeting.

In this notice it shall be stated that all the councilors may inspect the documents attached to the proposal which, during the days preceding the meeting, are to be placed at their disposal in the provincial or communal office during the ordinary office hours.

ART. 15. The council shall consider in detail the general plans of the project, the arrangement of the work and the time within which it shall be executed, and also the financial plan.

ART. 16. The above mentioned consideration if by a provincial council, shall be published by posting in the hall of the commune in which the meeting is held, in conformity with the provision of article 123 of the communal and provincial law, approved by royal decree May 4, 1898, No. 164.

If the consideration is by a communal council, a copy of the same, with a copy of the drawings of the entire project, in which shall be shown also the works to be built outside of the boundaries of the project, shall be transmitted to the provincial deputation for their consideration.

At the same time the president of the provincial deputation or the mayor, according to the cases provided for in the preceding paragraph, shall publish a notice containing an abstract of the deliberations and an abstract of the drawings relating to each commune the territory of which is included, in whole or in part, in the project or in the plan of the works for the project; also to each of the hydraulic associations legally organized the territory of which is included, in whole or in part within the boundaries of the project or of the outside works.

In this notice shall be fixed a time during which the interested parties may present their observations.

At least two copies of the notice are by the direction of the mayor or the president of the provincial deputation, transmitted to the mayors of the communes and to the presidents of the above mentioned hydraulic associations, together with the same number of copies of the abstracts of the drawings showing the parts of their respective territories included within the boundaries of the project, or the outside works.

One of the said copies with the abstract of the drawings shall be posted by direction of the mayor or president of the association which has received it, at his office or in the place where notices of the association are usually published, and this notice shall remain posted through all the time stated in the notice.

The other copy, also with the abstract of the drawings, shall be sent to the communal junta and when associations are interested, to the administrations of the associations to which by statute is attributed the executive part, for their observation.

The observations of private parties interested who do not belong to a hydraulic association already organized shall be presented in writing, within the period established in the notice, to the communal office in the place where the notice is published. Those of the proprietors of lands included within the boundaries of an association already existing shall be sent to the competent administrative representative.

ART. 17. After the completion of the period established in the notice, computed from the day of its publication, the mayor shall collect the observations which have been presented within that period and transmit them, together with the proceedings of the municipal junta and the certificate of their publication, to the applicants. Similarly at the end of the time the president of the association shall collect the observations of the private parties who are members, and having asked for the advice of the administrative representatives, shall transmit them as above.

ART. 18. The mayor of the commune which made the application, or the president of the provincial deputation, shall submit the observations so collected for the examination of the municipal junta and the provincial deputation, which shall consider the partial or total admissibility of the same and explain their reasons.

In case any changes decided upon shall have the effect of restricting or enlarging the boundaries proposed for the project by more than two-tenths of the total area, the proposal relating to it shall be submitted to a vote of the communal council or the provincial council.

ART. 19. The action of the provincial or communal council relative to an application for a concession, with the general plans and certificates of publication, the observations of private parties, of communes and of associations, and the action of the applicants with regard to the above-mentioned observations, are transmitted to the prefect. The prefect, after securing the advice of the local board of civil engineers, shall transmit the documents to the provincial administrative junta for its approval of the economic and financial features, according to article 194 of the communal law.

ART. 20. The action of the provincial administrative junta approving the application, with the documents indicated in the preceding article, and the statement of the local board of civil engineers, all by authenticated copies, are then sent to the minister of public works to be submitted to a vote of the superior council of public works, of the superior council of health, and of the council of state.

ART. 21. The superior council of public works, taking into consideration the results of the publication, shall decide on the admissibility of the technical and general plans, suggesting such modifications as it thinks should be introduced

in the working plans. After this the plans shall be transmitted to the superior council of health for its decision regarding the hygienic features and then to the council of state.

When, after the decision of said councils, the minister considers the general plans admissible, he shall approve them by decree, deciding also upon the objections presented, and authorizing the compilation of the working plans, prescribing such modifications and additions as he deems necessary.

When, on the contrary, according to the vote of the above mentioned council, the administration does not consider the plans admissible, it shall return them to the commune or province stating the reasons on account of which the plans were considered inadmissible, for such further consideration as the commune or the province thinks necessary.

SECTION II. WORKING PLANS.

ART. 22. The working plans with the modifications prescribed by the ministry and the financial plan finally adopted shall, before the approval of the provincial or communal council, be issued in the manner and form provided for in article 4 of the present regulations and transmitted to the prefect of the province who, having verified in a general way the agreement of the financial plan with the general plan approved by the provincial administrative junta, shall send all the plans to the board of civil engineers to ascertain the conditions and facts and the unit prices which have served as a basis in the compilation of the same plan, according to article 16 of the law, and to ascertain the conformity of the plans with the general plans and the modifications suggested by the minister of public works.

The plans shall then be communicated to the provincial council of health for decision upon the points within its jurisdiction.

ART. 23. When it is found that the working plans correspond with the fundamental plans, with the general lines of the general plan, and with the modifications and additions which may have been prescribed by the ministry of public works according to the provisions of article 10, the prefect shall provide for their deposit and publication, with all the documents called for by article 4, and in the manner and time prescribed in article 5 of these regulations.

ART. 24. The interested parties may within the term of one month from the first day after the notice was posted in their respective communes, make their observations and objections to the secretary of their own communes or to the office of the association of which they are members.

The secretary of the commune or of the association shall, if requested, give his receipt for the objections and observations presented, and shall in each case signify, either with pen or with a date stamp on the paper which contains them, the date of their presentation.

ART. 25. The day immediately following the end of the period of posting there shall be made by a minute signed respectively by the mayor or his representative and by the communal secretary or by the president or member serving as president of the association, and by the secretary of the association, a statement of the number of objections and observations received in their respective offices before the close of the office on the preceding day.

Within five days of the closing of the period the mayor or his representative and the president of the association or his representative shall transmit to the prefect the observations and objections presented to them, together with those which have been passed upon by the municipal juntas and the administrative representatives of the association.

ART. 26. In case the project extends to more than one province it shall be the duty of the applicant for the concession to make as many copies of the plans as there are provinces.

The prefect of the province in which belong the applicants for concession shall send one of these copies to each of the prefects of the provinces interested in the project in order that they may comply with all the conditions prescribed in the preceding article.

At the end of the period indicated in the article above noted, each prefect, having submitted the observations and objections presented to the local board of civil engineers, shall transmit all the documents to the prefect who has requested the publication.

This prefect, with the advice of the board of civil engineers of the province, shall transmit the original copy of the plans, with all the documents collected in the other provinces to the minister of public works.

ART. 27. The minister of public works, with the advice of the minister of the treasury, and having again referred the project and the conditions of the concessions to the superior council of public works, the superior council of health, and the council of state, if the plan has been recognized as worthy of approval, shall with one or more decrees:

(a) Decide finally upon the objections and observations.

(b) Approve the plans with the modifications and changes which are thought to be necessary.

(c) Determine the boundaries of the territory to be benefited.

(d) Determine the proportion in which shall be divided the provincial contributions to the expense of reclamation, considering in case of indirect interest the criteria of reclamation established in the last paragraph of article 6 of the law.

(e) Determine the share of the contributions which, according to article 39 of the law, the proprietors of the land included within the boundaries of the reclamation are bound to pay during the execution of the works.

(f) Approve in a general way, and except for the corrections which may be recognized to be necessary in the final accounting to be made after the completion of the works according to article 5 of the law, the proposal presented according to the terms of article 53 of the same law relative to the division into zones or classes of the properties directly or indirectly interested.

(g) Determine in relation to the financial plan which is provided for in the following article 139, the number of annual installments into which shall be divided the contributions due from those interested, according to the first paragraph of article 6 and the second paragraph of article 8 of the law.

(h) Provide for the concession according to article 11 of the law.

ART. 28. In the decree granting the concession there shall always be expressed the condition that the concession depends upon the acceptance on the part of the grantee of the approved plans, with all the changes, reductions, and modifications made according to the preceding article 27.

ART. 29. When the territory to which a reclamation project of the first class is extended can be divided into several distinct parts for the separate reclamation of each without any prejudice to the work as a whole, a separate concession for each may be granted according to the provisions contained in the present chapter.

SECTION III. CONTRACTS, EXECUTION AND INSPECTION OF WORKS.

ART. 30. Communes and provinces which have obtained concessions may proceed to the execution of the works by means of contracts let by private bidding.

When the nature and importance of the works permit, the communes and

provinces may make contracts with the cooperative societies of production and work, regularly organized among working men, according to the law of July 11, 1889, and the regulations approved by royal decree June 9, 1898.

ART. 31. On the first of July following the day in which an agreement for a contract takes effect, begins the obligation of the provinces and the communes and the private parties interested to pay to the grantee the contributions established in articles 6, 8, and 39 of the law.

ART. 32. Independently of the provisions of article 13 of the law the board of civil engineers of the province in which the grantee belongs, shall verify by means of visits to be made, if considered necessary twice a year, the manner in which the work is being conducted, and although the works extend outside the territory of the province, shall guard especially against the grantee and the contractor going outside of approved plans, and shall see that they observe carefully the provisions of the contract and the special conditions of the concession.

Extra inspections may be authorized by the prefect on the request of the grantees.

In case of failure to follow the plans, the board of civil engineers, which has discovered it, shall call attention to it by means of a note which shall be sent to the chief engineer who shall transmit it for the consideration of the prefect.

The prefect has the right to order, after consulting the grantee and the commission instituted by article 13 of the law, the suspension of the work, referring the matter to the ministry which, in every case, shall decide finally.

The cost of the above mentioned inspection is a charge upon the grantee, and shall be paid on the basis of the accounting according to the rules and regulations in force for the services of the board of civil engineers, approved by royal decree of December 18, 1894, from the deposit which shall be made for that purpose by the grantee at the prefecture.

ART. 33. Where unusual or unforeseen circumstances create a necessity for modifications in any part of the plans the proposal regarding them shall be decided provisionally either by the provincial deputation or the municipal junta, as the case may be, and shall be transmitted to the prefect who, with the advice of the board of civil engineers, shall send it to the ministry for its decision.

However, if it refers to details of secondary importance and does not increase the expenses or make changes in the other works it may be authorized by the prefect after he has secured the favorable technical advice of the inspector of the department. In case of disagreement between the two advisers the decision rests with the minister of public works.

Emergencies may be provided for in the manner prescribed in article 69 and following of the regulations of May 25, 1895, on the direction, accounting, and inspection of public works.

ART. 34. The inspection of the works shall be made by the officials of the superior board of civil engineers appointed from time to time by the minister according to the rules in force for the inspection of works by the State.

The minister having appointed the inspector or the commission of inspection, as considered best, shall give notice to the prefect, who shall cause to be posted in all the communes interested in the reclamation project and in the offices of the associations included within the boundaries of the project, a notice announcing to those interested the making of the inspection and notifying them to send to the prefecture within the term specified any objections they may have.

The prefect, after the expiration of this time, shall send the objections to the inspector or advise him that there are none. Only after receiving this advice shall the inspector begin his work.

ART. 35. On the results of the inspections and the conclusions of the inspector regarding the objections of those interested, provided for in the preceding article, the opinion of the grantee shall be asked, after which the minister who provided for the inspection according to the provisions in force for inspecting public works, shall decide upon the objections of those interested against the conclusions of the inspector.

SECTION IV. VOLUNTARY ASSOCIATIONS BETWEEN PROVINCES AND COMMUNES FOR ASSUMING CONCESSIONS FOR RECLAMATION WORKS.

ART. 36. Several provinces or several communes, even if these belong to different provinces, when they are interested in the execution of one work of reclamation of the first class, may associate, joining in a voluntary association, for obtaining the concession for their execution.

The proposal for the formation of the association may be made either before the beginning of the proceedings described in article 13 and following the present regulation, or during the progress of the same before the issuing of the decree granting the concession, and it may be made either by the province or commune which has assumed the initiative in making a request for a concession or by any other party, province, or commune interested in the work.

ART. 37. The deliberations which have for their object the formation of a voluntary association belong exclusively to the provincial or communal councils. The deliberations by which the provincial or communal councils shall approve the formation of a voluntary association are subject to the approval of the respective provincial administrative juntas.

ART. 38. When the proposal for the formation of a voluntary association has been made before the proceedings are begun, the province or the commune which has assumed the initiative shall collect and communicate to the parties which it thinks necessary to notify the data necessary to explain with the greatest possible clearness the importance of the work and the relative expense, the extent of the lands to be benefited, and of those to which the works will presumably extend.

At the same time shall be communicated the proposal relative to the financial plans on the basis of which, in the proportion to the interests between the various members, the association is to be established and its legal representation fixed, and the amount of the share to be contributed by each of the members forming a part of the association.

ART. 39. The joining of a commune or province with others who have initiated the steps for securing a concession for a reclamation, implies the acceptance and recognition of all the acts which up to that time have been performed and the legal obligation assumed by the commune or province, or group of communes or provinces which have assumed the initiative.

ART. 40. The rules in force for the organization and operation of road associations between the provinces and communes shall govern representation in the association and the manner in which this association shall proceed, in so far as they are applicable.

ART. 41. When the proceedings relative to the formation of an association have taken effect and the respective councils have nominated their delegates to make up the administrative representation of the association, this representation shall provide for the performance of all the acts prescribed in article 13 of the present regulations. These acts shall be submitted to the approval of the respective communal and provincial councils.

To the deliberations of the communal and provincial councils in such cases shall be applied the provisions of articles 14 and 15 and the first paragraph of article 16 of the present regulations.

ART. 42. The duties and powers granted in article 16, exclusive of the first paragraph, and in the following articles of the present regulations, shall continue to be granted to the delegations of intercommunal or interprovincial associations except so far as relates to the approval of working plans and of final financial plans, which is reserved to the communal and provincial councils.

When it is not possible to obtain an agreement between the communes or the provinces regarding working plans and the final financial plan, the association shall be considered dissolved and the committee of communal and provincial delegates shall proceed to a settlement and apportionment of the expenses incurred up to that time.

The settlement and apportionment are in every case to be made by the provincial administrative junta of the province in which is situated the greater part of the territory to be reclaimed.

In the case provided for in the preceding paragraph of the present article there remains always the right for the province or the commune which has an interest in prosecuting the work of reclamation, to continue, on its own account, the steps for obtaining the concession.

ART. 43. When a decree granting a concession has been issued the association between the communes or between the provinces shall last until after the final inspection of the works and the organization according to law of an association for maintenance, to which shall be assigned the reclamation works.

The relations of the communes or the provinces associated during the execution of a reclamation work and the powers of the committee of their delegates are regulated and determined, when not otherwise provided by agreement, by the laws in force for obligatory associations organized between communes or between provinces for the construction of intercommunal or interprovincial roads.

CHAPTER III. RECLAMATION TO BE CARRIED OUT UNDER CONCESSIONS TO ASSOCIATIONS.

ART. 44. An application for a concession for reclamation work of the first class may be made by an association already legally organized and regulated according to the provisions of the law in force, with the previous authorization of the general assembly of the association, properly called and proceeding according to the association statutes.

The proposal submitted to the general assembly shall indicate the benefits to be derived from the concession asked for, the approximate expense necessary, the manner of meeting this expense, and the probable duration of the association.

ART. 45. After the proceedings of the general assembly shall become effective the administrative council shall provide, within the limits of the powers granted to it by the association statute, for the formation and publication of the general plans and all the successive documents, in conformity with the rules established in the preceding Chapter II, for applications for concessions presented by provinces or communes.

On the working plans, when not otherwise provided by the association statute, a vote of the general assembly is necessary only in case the expense is to exceed by one-fifth that estimated in the first proceedings.

ART. 46. If there are several associations already legally organized within the boundaries of the reclamation district, the association which began the movement for the formation of the special association for the purpose of obtaining the concession for reclamation shall communicate with the others, inviting them to call, within a stated time, their respective general assemblies for

consideration of the general lines of work to be executed, the extent of the territory to which presumably the benefits of the reclamation will extend, the calculation of probable expense, the approximate duration of the association to be organized, the basis on which it is to be organized, the part to be contributed by each of the several associations interested, and their representations in the new association, according to the interests which they represent within the boundaries of the territory to be benefited.

ART. 47. If for the organization of a special association for construction it is necessary to unite one or more associations legally organized with the proprietors of lands not belonging to any association, the following rule shall be observed:

The proprietors of lands belonging to an association which, on account of having the greater part of its district outside the boundaries of the reclamation project, is not appreciably interested, as representing the interests of its members in the proposed reclamation; and the proprietors of lands not belonging to any association within the boundaries of the reclamation project, shall be united in one or several assemblies called in the manner and according to the forms established in the following articles, 55 and 62, for deciding whether they will organize one or more associations, observing all the formalities prescribed in the present regulations, or, whether they prefer, on the other hand, to delegate to a committee of members chosen from among themselves, the power necessary for defending their interests in the formation of the special association for construction, and for insuring to themselves a just proportional representation in the committee which shall represent the special association for construction.

They shall also consider at the same meeting the circumstances under which they shall be called together by the committee and especially whether to the committee or the assembly shall be reserved the appointment of the effective representation in the special association for construction.

The association of those interested which is mentioned in the present article shall be organized in the form and with all the characteristics of an obligatory association of those interested, as soon as the proceedings of the assembly have become effective.

Those interested may request that they be admitted to one or another of the associations already existing and legally organized, according to the location of their lands, for the purpose of the special association for reclamation, and this admission is intended for this definite purpose if the association to which the demand is made shall grant it in the form established in the statute.

In all other cases the associations already legally organized are considered as containing in their collective capacity all the other elements of a special association for construction, and as to all participators in the formation of this association, they shall have representation proportional to the interests which each of them represents.

All differences which may arise as to the formation or as to the proportional number of their several representatives are to be settled in a provisional manner by the provincial administrative junta of the province in which are situated the greater part of the lands to be reclaimed, upon the advice of the board of civil engineers of the same province, and are to be decided finally along with any opposition which may be made to the action of the provincial administrative junta by royal decree organizing the special association for construction.

At the same time, however, the duties of the representation of the association, established in a provisional way, are carried on by the provincial adminis-

trative junta; and its deliberations, in the forms, and according to the limits of their powers and duties, are valid for all purposes.

ART. 48. After the organization for construction, the concession is granted according to articles 27, 28, and 29 of the present regulation.

CHAPTER IV. CONSTITUTION AND ORGANIZATIONS OF ASSOCIATIONS OF INTERESTED PARTIES.

SECTION I. ORGANIZATION OF THE ASSOCIATIONS FOR CONSTRUCTION.

ART. 49. For the execution of works of reclamation of the first class the territory of which is not entirely included within the boundaries of an association already legally organized or is divided between associations or between proprietors of lands not associated, a special association for construction may be initiated by any organization or proprietor interested, according to articles 9 and 12, first paragraph of the law.

ART. 50. The promoters of such an association shall present to the prefect of the province in which are found the lands to be benefited or the greater part of them, an application for the organization of the association, accompanied by—

(a) A map of the territory to be benefited, with the boundaries of the land holdings of those interested, showing by lines and different colors the parts lying in the various communes.

(b) A report on the works to be executed and the probable cost.

(c) A list of the names of the proprietors of the lands comprised within the said territory, showing the names of the fathers of each proprietor, their habitual residences, and the rents chargeable upon the lands comprised within the boundaries of the project.

ART. 51. The prefect shall request the applicants to deposit at the prefecture a sufficient sum of money to cover the expenses of publication and of the consideration of the application, and shall make as many copies of the application and the documents attached as there are communes into which the territory to be benefited extends.

When the applicants have done this the prefect shall transmit to the mayor of each commune in which there are lands of those interested, a copy of the documents and several copies of a printed notice, by means of which the prefect shall give notice of the deposit of the application and the documents relating thereto in the prefecture and in the offices of all the above mentioned communes, inviting all those interested to inspect them and present their objections and observations within the term of 15 days from the posting of the notice. This notice shall also be inserted in the book of legal notices of the province and posted for 15 consecutive days in their offices and other customary places for the purpose of giving it the greatest possible publicity.

ART. 52. In case the reclamation project extends to the territories of several provinces the prefect who made the publication shall transmit a number of copies of the notice and of the documents accompanying it to the other prefects in order that each of them may provide in the same manner for its publication within the boundaries of his province.

ART. 53. After a period of 15 days from the publication of the notice by the prefect in each commune, each mayor shall transmit to the prefect from whom he has received the documents, a certificate of their publication, showing that the notice remained posted 15 days without interruption in their offices and in the other usual places, that the application and the documents attached remained

for the same length of time deposited in the communal office at the disposal of any one interested and, if these interested parties have presented objections or observations, these shall be attached to the certificate.

ART. 54. When the reclamation project extends to the territories of several provinces, the above mentioned certificates, together with all the objections and observations, are to be transmitted by each prefect by whom the notice has been published.

ART. 55. The prefect having received the documents mentioned in the preceding article, and having acknowledged that there was no irregularity in their publication, shall call together in a general assembly by another notice all the proprietors interested on a Sunday and in a place which shall be convenient, within a time not less than three weeks after the notice, for considering—

(a) The organization of the association.

(b) The election of a provincial deputation charged with the compilation of an association statute.

When the interested parties are so numerous as to render difficult the meeting of all in a single place the prefect may divide the assembly into several sections which shall meet in several places and consider at the same time the same order of business.

The notice calling the meeting, whether in one or several assemblies, shall be made and published in the manner provided in the preceding articles.

ART. 56. The assembly shall be presided over by a person appointed by the prefect or, when it is divided into several sections, each of these shall be presided over by some one chosen by the prefect of the province in the territory of which the meeting takes place.

The president of the assembly shall ask the two oldest and the two youngest of those present to act as tellers and ask another one of those present whom he considers fitted to act as secretary.

If in the meeting first called, whether all in one assembly or in sections, there are not present one-half of those interested as shown on the list, who shall be found in the room, and those representing more than one-half of the revenue which can be collected, the deliberations are not valid. In such case a second meeting shall be called in the same manner, in which the presence of one-fourth of those interested is sufficient for the validity of the proceedings, but these shall represent more than one-half of the revenue collectable.

ART. 57. Each interested party may be represented in the assembly by another person, who must be of age and have a certificate of appointment acknowledged by the signature of the mayor or a notary public.

Cooperative, industrial, and commercial societies owning land included within the boundaries of the territory to be benefited may be represented by their legal representatives.

Wives may be represented by their husbands; minors and parties under legal disability may be represented by their respective guardians and attorneys.

Lands under lease shall be represented by the users, not by the owners.

Lands the use of which is separate from the ownership shall be represented by the proprietors or the users, according as the one or the other will be obliged to bear the expense of the reclamation.

Proprietors inscribed in the list of direct taxes as owners of undivided property shall designate one of their number to attend the assembly.

ART. 58. The person presiding over the meeting, after having called it to order, shall state to those present the purpose of the meeting and the objects which the assembly is called to discuss and decide, which shall be limited to those objects stated in the order of business published with the notice of the meeting.

There shall be elected from those present, by a majority vote, a president and a secretary of the assembly, and in case the persons elected do not accept or are prevented from accepting, the places shall be filled by those who receive the next largest number of votes.

The duties of the president and of the secretary continue until the assembly has considered all the subjects stated in the order of business.

ART. 59. On assuming his duties, the president shall—

(a) Nominate the tellers.

(b) Invite those who have presented objections or observations to state their reasons to the assembly.

In case the assembly is divided into sections the objections and observations shall be communicated to each of the sections.

ART. 60. After the close of the discussion the president shall ask the assembly to consider the organization of the association. Those interested shall vote by roll call.

Having decided upon the organization of the association, if the assembly is meeting in a single section, it shall proceed to the election of a temporary committee charged with the compiling of the association statute. If those interested are meeting in several sections, the day of their reconvening for the election above mentioned shall be fixed by the presidents of the sections.

ART. 61. The temporary committee shall be composed of seven deputies chosen from among the proprietors included in the list. Five of these shall be named by those interested parties who are favorable to the organization of the association; the other two by those unfavorable.

The voting shall be by ballots containing respectively five or two names which, as the roll is called, shall be presented to the president, who shall place them in separate boxes, according as they are presented by parties who in the preceding roll call on the organization of the association declared themselves favorable to or against the organization, or by others who did not take part in the preceding vote who shall make similar statements on presenting their ballots.

These declarations which are made on the presentation of the ballots can not change the result of the vote before taken on the organization of the association.

Any names on the ballots in addition to the five or two which should be voted for, shall not be counted.

After the calling of the roll, when there are other interested parties present, these may cast their ballots without another roll call.

After one hour from the completion of the roll call, if there are not present in the room any who have not voted, the president shall declare the voting closed and, together with the tellers, shall count the votes.

After finishing the count, the president shall announce the result, declaring elected the five who obtained the greatest number of votes on the ballots of those who voted for the organization of the association, and the two who received the greatest number of votes cast by those who voted against the organization of the association.

ART. 62. When the assembly is divided into sections, each president shall announce the names of those who received votes and the number of votes received by each, stating that the proclamation of those elected will be made after the results from all the sections have been brought together.

Having made this announcement the president shall adjourn the meeting.

The next day all the presidents, who shall constitute a board of election, shall meet in the hall of the first section, where the interested parties may also be present. At this time the minutes of the meetings of the various sections shall be read and the general vote shall be counted.

The president of the first section shall proclaim elected the seven interested parties who receive the greatest number of votes, according to the distinction made in the last paragraph of the preceding article.

ART. 63. When a quorum is not present, the second meeting shall take place on the following Sunday, without further notice.

ART. 64. The prefect who has made the publication shall give notice of the organization of the association by means of a notice which shall be inscribed in the folio of the legal notices of the province, and posted as provided in article 51.

In this notice it shall be stated to those interested that within a period of 30 days they may present objections, either to the regularity of the meeting of the assembly or to the legality of its proceedings.

The certificates of publication shall be transmitted to the prefect who made out the notice, with any objections which may have been presented.

The prefect having received the documents and having asked, when necessary, the advice of the board of civil engineers, shall transmit them to the minister of public works, with a report in which he shall state his opinions as to the regularity of the proceedings followed and the merits of the objections.

ART. 65. The minister, when he has no objections to the procedure followed or the documents received, with the advice of the superior council of public works and of the council of state, shall propose the royal decree by which the association shall be organized for the construction of the works of reclamation of the first class, and by which the objections shall be ruled upon.

SECTION II. ORGANIZATION OF THE ASSOCIATIONS FOR MAINTENANCE.

ART. 66. When the works of reclamation are completed within the boundaries of an association legally organized, the association shall, by a proper notice by its representatives, state to the prefect that having completed the works it will assume their maintenance. This association has the same duties as an association for maintenance for all the effects of the law, from the date of the delivery of the works.

ART. 67. Outside of the cases provided for in the preceding article 66, the procedure for the organization of an obligatory association for maintenance in cases provided for in the first paragraph of article 25 of the law shall be initiated by the minister of public works in time for this association to be finally organized before the completion of the reclamation works.

ART. 68. For this purpose the prefect of the province in which are included the lands to be benefited or the greater part of them, shall provide either directly or through the prefects of the other provinces interested, for the formation in each commune of a list of the names of the possessors of lands directly or indirectly interested in the reclamation, obtaining the information necessary for the formation of these lists, regarding the first, from the list of the possessors of lands comprised within the boundaries of the reclamation project, approved by municipal decree provided for in article 9 of the present regulation; regarding all the others, from what is shown in the assessment lists relative to lands contemplated in proposal for the economic plans of the project, according to the last paragraph of article 25 of the law.

The list shall show the given and surname, the father's name, and the place of habitual residence of each possessor, with an indication of the number of the map and the area of the lands by reason of which each possessor was inscribed in the list and with the indication of the zone or class in which the lands will presumably be placed.

ART. 69. The lists shall, under the direction of the mayors, be published in the respective communes on the Sundays fixed previously by the prefect, in the manner and places established in article 51, together with a notice by which all those interested are invited to produce within 15 days following that of the publication, their observations and their proposals for adding to, correcting, or canceling names. After the expiration of this period the list with the certificates of its publication and with the proposals or observations, shall be sent to the prefect who made the application, who shall provide for the calling of the general assembly of possessors indicated in the list.

ART. 70. When it is not provided otherwise in the rules contained in the present section, the provisions established for the organization of associations for maintenance, in articles 52, 53, 54, 55, 57, 58, and 59, shall be in effect.

The provisions of the first two paragraphs of article 56 are also in force.

For the validity of the proceedings of the assembly, meeting in response to the first call, the presence of one-third of those interested is sufficient and in the second meeting the deliberations are valid whatever number is present.

ART. 71. The assembly, after the election of president, shall proceed to consider—

(a) The objections and observations presented either on the occasion of the publication of the working plans or within the terms established in the preceding article 69.

(b) The boundaries of the district to be benefited by the works of reclamation.

(c) The election of a provincial deputation charged with the compiling of the association statute.

(d) The election of a technical commission charged with the arrangements for the operations indicated in articles 51, 52, and 53 of the law, that is—

(1) The division of the lands benefited into classes, according to the benefit which they receive or shall receive in consequence of the reclamation works.

(2) The plan for the final settlement of the contributions due from the proprietors of the said lands to the expenses of construction of the reclamation works, the proposal of the approximate time within which shall be completed the equalization of the sums to be paid by each, according to the provisional division of the contributions made in accordance with article 39 of the law, and those which shall be actually due in accordance with the benefits received.

(3) The plan for the division into zones or classes of the territory which, on account of being interested in the maintenance only are not included in the boundaries of the reclamation project as approved.

(4) The plans for the division of the expenses of maintenance between the various zones and classes into which the entire district shall be divided according to their interests.

(5) The plan for the apportionment according to hectares of the share or shares assigned to each zone or class according to the provisions contained in the preceding paragraph.

The assembly shall decide also whether it intends to reserve to itself or delegate to others the examination and approval of the several propositions of the technical commission.

ART. 72. The minister, when he finds the proceedings regular and all the documents received from the prefect to be in accordance with the rules of article 68, shall issue, upon the advice of the superior council of public works and of the council of state, the decree by which he shall decide upon the complaints and declare the association for maintenance organized.

SECTION III. ORGANIZATION AND DUTIES OF ASSOCIATIONS FOR CONSTRUCTION AND
FOR MAINTENANCE.

ART. 73. When a concession for the execution of reclamation works is made to an association regularly organized, according to article 9 of the law the association for construction shall be conducted according to the rules of the statute by which the association is governed.

ART. 74. When there is not in existence an association regularly organized according to article 49 of the present regulation, the statute of the association for construction compiled by the deputation provided for in articles 60 and 61, shall be submitted to the approval of the assembly of those interested, called in accordance with the rules of the preceding articles 55 and 62, by the above mentioned deputation.

This statute shall contain only the rules necessary for the operation of the association during the period of the construction of the works.

The assembly shall pass upon the statute proposed, by a majority vote of those present, those who may dissent having the right to have the reasons for their opposition inscribed in the minutes.

The statutes adopted and the minutes of the assembly are to be deposited by the deputation for 8 days in the commune in which the assembly was held, in a place determined, where at a time stated beforehand they can be freely inspected by those interested, each of whom has a right to present his observations in writing.

The deputation shall prepare the statute, shall collect the observations which have been made as a result of the publication, state its own opinion thereon and transmit all the documents to the prefect, who shall, with his own advice, send them to the minister of public works.

The minister, with the advice of the superior council of public works and of the council of state shall decide finally upon the observations and objections made, and by means of a decree approve the statute with the necessary modifications.

The approved statute shall control the operation of the association for construction throughout the construction of the works and until the organization of an association for maintenance.

ART. 75. In case of the dismissal of the administration of an association a royal receiver shall have all the powers which are by the statutes of the association given to the council of delegates, and in case of necessity he may also assume the powers of the assembly.

In the decree naming the royal receiver shall be fixed the compensation to be paid him, which shall be a charge on the association exclusively. This indemnity shall not exceed 10 lire per day for a person who resides within the place where the association has its office, and 20 lire per day for a person called to perform this duty who resides outside of the place where the association has its office.

There shall also be paid to the royal receiver the expenses of travel made in the interest of the association.

ART. 76. When the territory to be reclaimed is included entirely within the boundaries of an association already legally organized, the association for maintenance shall be operated in accordance with the rules established by its statute.

But for the special operation of reclamation there shall be made previous estimates, lists of contributions, and statements of past expenses, separate and distinct from the operation of the general association. The estimates and the lists of contributions shall be approved by the prefect.

ART. 77. When an association is organized according to article 66 and following of the present regulation, the statute compiled by the temporary committee shall provide—

(a) For the location of the office of the association, which shall be in the province in which is situated the greater part of the land to be reclaimed.

(b) The manner of organization, renewal, and powers of the council of delegates, where it is thought best to transfer, in whole or in part, to a council the powers of the assembly.

(c) The manner of organization, the terms, and the powers of the administrative deputation which has charge of the affairs of the association, and which directly or through its president shall be the representative of the association.

(d) Rules governing the validity of the meetings and the proceedings of the general assembly, of the administrative deputation, and of the council of delegates, and upon the conditions and proportions of the rights to vote in the general assembly.

(e) Rules for the compilation of the annual estimates and statements of past expenses, and for the approval of these on the part of the general assembly or the council of delegates.

(f) Rules for the supervision of the work of the cashier and the amount of the guaranty which shall be given by the one charged with the duties of treasurer.

(g) Rules by which the technical commission provided for in the preceding article 71 shall prepare the classification of the associated lands into zones or classes according to the benefits received from the works of reclamation.

(h) Rules for providing for the publication of plans and classifications and the manner and time in which the interested parties may present their objections.

(i) Rules of procedure for deciding upon objections and for making the conclusions final and effective.

(j) The obligations to be imposed upon all the proprietors belonging to the association, to report any contracts for purchase, sale, concession, change, or division, in order that the association assessment rolls may be constantly kept up to date.

(k) The manner of providing permanently for the technical service necessary for the regular maintenance, keeping, and operation of the reclamation works.

(l) All other rules necessary for the regular conducting of the association.

ART. 78. For the consideration of the statute drawn up by the committee, the assembly of the possessors interested shall be called in the manner prescribed in article 74.

The statute, having been adopted by the assembly, shall be deposited in the prefecture and if the association extends into several provinces, in all the prefectures.

A notice shall be inserted in the bulletin or bulletins of the legal notices of the prefectures of the provinces above mentioned, and posted in the offices of all the communes into the territories of which the association extends, stating that the statute has been deposited and notifying those interested to inspect it and present within 30 days from the date of posting any observations which they may have at the offices of the prefectures or communes where they have been published.

After the end of the above period, the mayors shall transmit to the respective prefectures certificates of the publication, with the objections which have been presented.

The several prefectures shall transmit the said documents to the prefecture of the province in which is found the greater part of the territory benefited.

The prefect of this last province shall transmit to the minister of public works the statute adopted, all the documents relating to publication, and to observations presented, together with his own advice, and that of the board of civil engineers.

ART. 79. The minister of public works, with the advice of the superior council of public works and of the council of state, shall provide by a ministerial decree for the approval of the statute of the association with the modifications which he thinks should be introduced, deciding at the same time upon the observations presented.

ART. 80. The ministerial decree approving the statute is final.

ART. 81. The rules established in the preceding article for the formation of the statute of the association shall be observed for changes which may be introduced in the future.

ART. 82. The statute having been approved, the deliberations of the general assembly, of the council of delegates, and those of the administration are subject to the prescriptions of the law on deliberations of councils and of communal juntas, in so far as the association statute does not provide otherwise.

But in every case the estimates and the lists of contributions shall be approved by the prefect.

ART. 83. The prefect of the province in which is situated the territory to be benefited or the greater part of it, shall exercise by means of the local board of civil engineers the technical supervision of the work of maintenance throughout the entire district, making, within the limits of the preceding article 32, whatever visits he thinks proper during the course of the work or at the close of each year of the contract.

The expense for these visits shall be reimbursed by the association, which must have previously made a sufficient deposit at the prefecture on request.

ART. 84. The prefect of the province shall request examination of the plans for the contracts for maintenance of reclamation works, new works, or changes, or strengthening, or repairing damages, or other work, along technical lines by the board of civil engineers of the same province.

ART. 85. To these associations are applicable articles 193, 196, 197, 292 of the communal and provincial law, approved by royal decree May 4, 1898.

CHAPTER V. THE DETERMINATION OF THE COMPLETION OF THE WORKS AND THEIR TURNING OVER TO THE ASSOCIATION FOR MAINTENANCE.

ART. 86. The association for maintenance, by means of the general assembly of delegates, according to the authority granted by its statute, shall nominate a commission to receive the works of reclamation in the name of the association.

The commission thus elected shall at the order of the association proceed to perform all the acts relative to the turning over of the works to the association and its acts shall be binding upon the association in its relations toward the state or toward those charged with the construction of the works.

ART. 87. The government commission to which, according to the rules of article 50 of the law is committed the procedure for determining the completion of the reclamation works in whole or in part, shall use the greatest care in its work, determining, with the help of the plans, if all the works are in conformity to the plans and changes regularly approved, and if the lands are found in a condition which makes their cultivation possible.

When the commission does not find that all the works have been properly completed, it shall indicate which works ought to be reconstructed.

The proceedings of the commission are to be recorded and subscribed by those composing the commission.

ART. 88. The commission shall communicate in every case its minutes to the commission nominated by the association for maintenance, giving it a proper time for producing in writing any observations or objections which it may have.

ART. 89. When the government commission shall acknowledge the completion of the reclamation throughout the entire boundaries or any one part into which it has been divided and there are no objections to the findings of the commission presented by the delegates of the association for maintenance within the time assigned, it shall proceed to turn over the works to the above mentioned association.

This turning over of the work shall take place at a meeting called by the prefect, at which shall be present the members of the commission appointed by the association, and the proceedings shall be signed by the prefect and all of the said members.

The meeting shall take place in the office of the prefecture which has taken the lead in all the acts relative to the reclamation.

The acts shall be recorded by the secretary of the prefecture, who is a notary.

ART. 90. When, on the other hand, the commission shall acknowledge the necessity of further work for the reclamation of the entire district or for one of the divisions which comprise it, in case the delegates of the association shall submit objections to the work of the commission the commission shall remit all the documents to the prefect for transmission to the minister of public works, who shall decide finally by decree both as to the propriety of the increased work suggested by the commission, and on the objections, with the advice of the superior council of public works and of the council of state.

If the questions concern the public health they shall be submitted also to the superior council of health.

In the case provided for in this article the statement of the completion of the reclamation shall be made by the minister of public works, either in another or the same decree, upon the advice of the superior council of public works and the council of state.

ART. 91. After the issuing of the ministerial decree declaring the works completed, they shall be turned over to the association for maintenance. This turning over shall be made by the prefect with the assistance of the chief engineer of the board of civil engineers by means of a public statement in the presence of those composing the commission appointed by the association and signed by all those present, applying to said act the provisions of the second and third paragraphs of article 89.

ART. 92. When, notwithstanding the ministerial decree which declares the works completed, the commission of delegates of the association of maintenance or some of its members refuse to sign the acts of delivery, this circumstance shall be stated in the decree which shall be signed by the prefect. The delivery shall take place by decree of the prefect, giving notice in legal form by legal means to the president of the association of maintenance or to his representative.

From that time the association of maintenance shall for all effects be considered in possession of the reclamation works and shall be obliged to care for and regularly maintain the same, being subject in case of failure and dismissal of the administrative council of the association, to the provisions of article 75 of the present regulation.

ART. 93. In applying the principles established in the third paragraph of article 8 and in article 10 of the present law the general assembly or the council

of delegates, if to them has been committed by statute the proper authority, shall ascertain the share that each hectare of land comprised within the boundaries of the reclamation would be obliged to pay as a contribution to the expense of constructing the same if at the beginning it had been possible to apply the criterion of their interests, and shall determine the period of time within which shall be paid the greater contributions of the debtor proprietors and in which the proper sums shall be paid to the creditor proprietors, in a manner which, without increasing too much the burden of the debtors, shall not protract beyond just limits the time within which the creditors shall be paid.

The administration of the association may, having regard to the period of time fixed for the equalization and balancing of the differences in the debits and credits resulting from the final accounting, proceed to the determination of the share annually applicable to the increasing or diminishing of the share stated to be due from each hectare of land until the extinction of the debits and credits.

The royal receiver provided for in article 75 shall provide for all these acts.

TITLE II. RECLAMATION WORKS OF THE SECOND CLASS.

CHAPTER I. VOLUNTARY ASSOCIATIONS.

ART. 94. The documents which the voluntary associations shall transmit to the prefect in accordance with and for the effects of article 19 of the law shall include—

(a) A document stating the agreement of all the interested parties to the organization of the association. This agreement shall be determined by a consideration and unanimous vote of those present at a meeting called and presided over by some one having a large interest, and written statements from those not present.

(b) A list of the proprietors or possessors of lands comprised in the association with the information called for by article 4, letter *b*, of the present regulations.

(c) The association statute.

The prefect, having collected all these documents and added such information as he thinks proper, shall provide for their publication in abstract in the bulletin of the legal notices of the prefecture.

This publication shall contain in addition to the documents stated, a statement as to the place of business and purpose of the association and the manner of organizing its representation.

This publication shall be made at the expense of the association.

All later modifications of the above mentioned documents for the organization of the association shall be sent to the prefect together with the documents and the deliberations by which they were approved, and shall be published in the bulletin of legal notices of the prefecture.

Upon the application of the association the prefect shall give it a statement acknowledging its conformity to the rules above indicated and shall make a record of the statement in a proper register.

The prefect shall be charged with the keeping of the documents transmitted to him by the voluntary associations.

ART. 95. Voluntary associations which intended to take advantage of the provisions of article 5 of the law shall present the working plans to the prefect of the province in which are found the lands to be benefited, or the greater part of them.

The prefect shall publish these and, with the advice of the board of civil engineers, provide by formal decree for their approval, deciding all objections which have been presented.

CHAPTER II. OBLIGATORY ASSOCIATIONS.

ART. 96. When private parties or interested organized bodies intend to begin the organization of an obligatory association for reclamation according to the terms of article 23 of the law they shall present to the prefecture the application, with the proper documents called for by letters *a*, *b*, and *c*, article 3 of the present law.

The application and the annexed documents are to be published in the places and in the manner which the prefecture believes to be best for giving notice to the proprietors interested, giving to them the proper time for presenting their observations and objections.

After the publication and the bringing together of the observations presented the prefect shall invite the communal and provincial councils interested to consider, according to the terms established in article 22 of the present law, the organization of the association and the objections presented and the proposals for their respective contributions.

In case the initiative in the organization of the association has been made by a minority of those interested, considering the area of the lands owned, there shall be observed in addition the rules established by article 23 of the law.

ART. 97. The State, the provinces, the communes, or the private parties which take the initiative in the organization of the obligatory association shall bear the expense of the publication provided for in the preceding article and all other expenses incurred in the organization of the association, but shall be reimbursed by the association when it shall be organized.

ART. 98. The opinion of the board of civil engineers shall be asked upon the application and the documents for the organization of an obligatory association and upon the objections presented.

If the reclamation is for hygienic purposes, or has an effect upon hygienic conditions there shall also be asked the opinion of the sanitary councils of the provinces in which are found the lands interested in the reclamation, so far as they relate to the public health.

ART. 99. The prefect of the province in which are found the lands to be benefited or the greater part of them, shall collate the application, the objections presented, the advice of the technical office and of the sanitary council, and the proceedings, when there have been any, of the provincial and communal councils, and except in cases contemplated in the next to the last paragraph of article 22 of the law, shall transmit them to the minister of public works accompanied with his own advice.

ART. 100. By royal decree proposed by the ministers of public works and of agriculture, industry, and commerce, on the advice of the superior council of public works and of the council of state, the association shall be organized and the list of proprietors interested in the reclamation shall be approved.

In the case contemplated in article 96 of the present regulations, the apportionment of the shares to be contributed by the communes and by the provinces shall be determined by a decree of the minister of public works, with the advice of the superior council of public works and of the council of state.

ART. 101. After the organization of the association the prefect shall call the general assembly in the manner established in the preceding article, 55.

The deliberations of the assembly are valid if there are present or legally represented so many of the proprietors of the lands interested as represent more than one-half of the revenue imposable on these lands.

In default of these conditions there shall be called within a proper time, always by the prefect, a new assembly, the proceedings of which shall be valid

whatever number of proprietors are present and whatever amount of impossible revenue they represent.

ART. 102. The assembly shall be presided over by a delegate of the prefect, and shall elect by a majority vote a temporary committee which shall be composed of from three to five members and be charged with the administration and temporary representation of the association, and shall compile and submit to a later meeting of the assembly the technical-economic plan for the reclamation project, and the association statute.

ART. 103. The provisional deputation shall elect from its own members a president to whom shall be committed the calling of and presiding over later meetings of the assembly, also the enforcement of the association statute.

ART. 104. The statute shall provide for all matters indicated in article 77 of the present regulations and for the manner in which are to be represented in the administrative deputation, in the general assembly, and, where there is one, in the council of delegates, the State, the provinces, and the communes which contribute independently of their qualifications as proprietors, to the expense of the association.

ART. 105. The statute shall be published in the communes where the lands which are interested are found, under the direction of the temporary committee, which shall establish the period for inspection and for presentation of observations according to the rules of article 96 of the present regulations.

ART. 106. After the publication the president of the temporary committee shall call a general assembly for the purpose of considering the statute and the observations which have been presented.

The deliberations of the assembly shall be communicated with the statute and the objections presented, to the prefect of the province where are found the lands to be reclaimed or the greater part of them.

The prefect, with the advice of the board of civil engineers, when thought best, shall transmit all the documents to the minister of public works, with his own advice.

The minister, with the advice of the superior council of public works and of the council of state shall provide by decree for the approval of the statute, deciding all the objections presented and making any modifications which he thinks necessary.

ART. 107. The temporary committee, as soon as the decree which approves the statute of the association is communicated to it, shall call the assembly of the association for the election of a council of delegates if the statute provides for one, and the administrative deputation, if the same statute has not committed its nomination to the above mentioned council.

In the last case, after the council of delegates has been elected, it shall be called together for making the election above mentioned, by the temporary committee within a term not less than 15 days nor greater than one month.

The powers of the temporary committee shall cease with the election of an administrative deputation.

ART. 108. To obligatory associations are applicable the provisions of article 75 of the present regulations.

ART. 109. The applications of voluntary associations to be declared obligatory under the terms of article 20 of the law shall be presented to the prefect.

There shall be annexed to the application, in addition to the documents relating to the organization of the association and the description of the works already made, the technical-economic plans for their continuance and completion, the statute compiled in conformity with article 104 of the present regulations, with the minutes of the meeting of the assembly in which the plans, the statute, and the application above referred to were considered.

ART. 110. The prefect shall provide, at the expense of the association by which the application and the documents indicated in the preceding article are deposited, for notice to those interested, observing the rules established in article 96 of the present regulations.

The prefect, having asked in proper cases the advice of the sanitary council of the province in which are situated the properties interested in the reclamation and having in every case the advice of the board of civil engineers, shall transmit to the minister of public works the application with the attached documents and the objections presented, with the above mentioned advice and his own opinion.

ART. 111. The rules contained in article 100 of the present regulations provide for declaring an association obligatory.

TITLE III. FINANCIAL PROVISIONS.

CHAPTER I. CONTRIBUTIONS OF ORGANIZATIONS AND PROPRIETORS INTERESTED.

ART. 112. Both the working plans and economic plans having been approved and the contracts for the works having been let, the minister of public works shall provide, when necessary *ex officio*, according to the rules of the law, that within a short time there shall be made by the provinces and by the associations so many payments on the additional taxes or other income as are necessary for the payment of the contributions placed respectively to their debit, and for this purpose are made effective the lists of the increased rates of taxes assessed against proprietors for their respective shares of contribution, to be continued for the necessary period until the expenses are met.

ART. 113. The assessments against direct incomes other than additional taxes on lands can not be accepted unless they are collected by contract by an agent who has given a guaranty and his bond for the entire amount of the tax, and unless they are properly voted by the debtor society, regularly approved and finally settled by the deliberations which irrevocably bind the society to maintain in force its income upon which shall be collected the assessments for all the period through which these are to be distributed, and in addition bind it not to change within the same period the method of collection.

But at any time the assessments on direct incomes other than additional taxes on lands may be replaced by other contributions.

ART. 114. The assessments and the lists of the additional taxes on the lands to be improved by the reclamation, and the other assessments on incomes when the reclamation is to be done directly by the State, are due on the first of July following the date of the contracts for the works.

ART. 115. For the determination of the number of annual payments into which shall be divided the contributions due from the State, from the provinces, and from the communes interested, in case the work is executed directly by the State, shall be taken into account the amount of the contributions, the financial conditions of the debtor societies, the economic reasons on account of which the works are executed, the importance of the advantages to be gained, and also the burdens which for other reasons the debtor societies will probably be called upon to bear during the period established for the payment of these installments.

No consideration shall be given to the deficit in the budget resulting from their operations, if they can be equalled or exceeded by reducing the expenses.

Upon the sums to be paid in installments no interest is due whatever the number of installments.

ART. 116. The number of years in which the provinces, the communes, and parties interested in the reclamation may pay their respective contributions due to the State by means of assessments or by means of special taxes on the lands benefited, shall be equal, so that the entire contribution of 0.4 shall be paid in full in an equal number of annual installments and the total sum to be paid.

Under special circumstances acknowledged by the administration the annual installments which are to be paid by the societies or proprietors, either one or the other, may be divided into different periods of time.

ART. 117. Upon the completion of a reclamation project executed directly by the State, and the final apportionment of the expense on the basis of the final accounting, the shares of the special taxes due from each debtor or each proprietor to be paid on the first of July following, shall be increased or diminished in proportion according as the case may be, except that the periods for paying the annual installments established respectively shall not be changed.

ART. 118. The one-tenth to be contributed by the State to the expenses of works of the second class shall be computed on the sum actually spent in the construction of the works, either in installments or in one payment.

These payments shall be made after a general or partial inspection on the basis of which the payments are to be made and upon the production of a certificate from the board of civil engineers of the province, stating what payments have actually been made to the contractors.

ART. 119. In case the State takes advantage of the right granted to it in article 25 of the law to be reimbursed for the one-tenth which it contributes to works of the second class, this reimbursement shall be imposed upon the proprietors benefited in accordance with the benefits which may be received by them, and the division of the sum due shall be determined by agreement between the ministers of public works and of the treasury in a number of years not less than ten nor more than twenty, taking into account the whole project and its probable gradual development.

ART. 120. The debt of the proprietors for the reimbursement of the one-tenth advanced by the State for works of the second class shall be divided among them according to the preceding article, and shall be collectable upon the lands in the form and with the privileges of land taxes.

CHAPTER II. CURRENT ACCOUNTS IN THE BANK OF DEPOSITS AND LOANS.

ART. 121. The Bank of Deposits and Loans shall receive in a current interest-bearing account the sums belonging to extraordinary works of reclamation, which the minister of public works shall pay to it either from the balance remaining on June 30, 1900, or from the annual installments which, beginning with the season of 1900-1901, are set forth in the tables 1, 2, 3, and 4, annexed to the law.

ART. 122. For reclamation works of the first class for which concessions are granted to provinces, communes, or legally organized associations, the minister of public works shall pay to the Bank of Deposits and Loans the annual sums established in the table annexed to the law.

The payments of the shares due from the State to the concessionary organizations shall be made by the above mentioned minister and the relative reimbursement to the treasury shall be made according to the provisions of the present regulations.

At the request of the minister of public works the Bank of Deposits and Loans shall turn over to the treasurer as "effective income" the sums corresponding to the shares of contribution which have been paid by the corporations and proprietors interested where the works of reclamation are executed directly by the State.

ART. 123. The payments of the sums mentioned in the preceding article are to be made by means of the issuing of orders in favor of the direction general of the Bank of Deposits and Loans and are to be charged to the sum inscribed in the budget of the ministry of public works, under class 4, with the following heading: "Sum corresponding to the payments to be made for the extraordinary works of reclamation to be reimbursed to the treasury by drawing on the current account in the Bank of Deposits and Loans."

ART. 124. In making the payments above indicated the minister of public works shall state to what works the sums paid are to be applied and the reasons for the payments, being careful to distinguish the funds paid on account of the principal installments from those paid on account of the sums at the disposition of the administration.

The Bank of Deposits and Loans shall make notes for keeping distinct the sums charged to the different accounts.

ART. 125. The payment of the balance remaining on June 30, 1900, shall be made in six equal annual installments within the month of July of each year beginning with 1900-1901.

For the first payment, since it will not be possible to ascertain the balance within the month of July, 1900, the payment of the share shall be made on the basis of a provisional balance of the accounts on June 30, 1900, but the necessary operation of equalization shall be made after the operation of canceling, reducing, and transferring the orders issued during the financial operations of 1899 and 1900.

The payment of the assigned shares shall be made in three equal parts on the sixth of October, February, and April of each year.

ART. 126. If in the course of any season it is necessary to pay from this balance in a measure greater than the amount of the annual shares provided for in the preceding article, the minister of public works shall request the treasurer to provide for the corresponding increased payments by the Bank of Deposits and Loans, giving guaranties for the reimbursements of the increased sums paid.

ART. 127. Upon sums paid into the principal current account the Bank of Deposits and Loans shall pay at the end of each solar year the interest due upon the same at the rate of interest paid upon voluntary deposits, computed according to article 44 of the regulations approved by royal decree December 9, 1875, as is the custom for other current accounts authorized by article 11 of the laws approved by royal decree December 31, 1899.

ART. 128. The Bank of Deposits and Loans at the same time with the principal current account shall keep a special new account with the title "funds reserved for reclamation works."

Into this special account shall be paid the sums which the minister of public works shall announce as sums to be disposed of, the annual interest paid on the balance in the principal current account, and also any excess there may be after the completion of each work of reclamation and its announcement by the minister of public works.

ART. 129. The payments which are necessary to be made before the end of the term within which they are due to the Bank of Deposits and Loans, made from the funds provided for in article 125, shall be reimbursed to the treasury as soon as the payments have been made.

ART. 130. Upon the balances in the special current accounts shall be paid at the end of each solar year interest at the rate equal to that paid upon the principal current account.

The interest annually paid upon the special account shall be added to the reserve fund, according to the procedure indicated in the following article 131.

ART. 131. In the carrying out of the provisions of article 68, last paragraph, of the law, the interest paid upon both the principal current account and the special current account shall, by the general direction of the Bank of Deposits and Loans, be paid to the treasury as "effective income" by means of placing it in a corresponding heading in the provisional account of the incomes with the following heading, "interest paid by the Bank of Deposits and Loans upon the current account created for the work of reclamation, according to the provisions of article 67 of the same law."

The interest as above paid into the treasury, shall, by decree of the minister of the treasury registered in the court of the counts, be transferred to increase the sum inscribed in the preliminary statement of the expenses by the ministry of public works among the extraordinary expenses of reclamation, with the following heading "funds reserved to provide the expenses indicated under letters *a, b, c, d,* and *e* of article 56 of the law, and for the other expenses necessary for reclamation works, according to the provisions of article 69, second paragraph, of the same law."

By the above mentioned decree of the ministry of the treasury provision shall also be made for subsequent changes in the amount of "cash funds" both in the provisional statement of the expenses by the ministry of public works and in the income in such a manner that the interest paid may without delay be turned into the special current account kept in the Bank of Deposits and Loans.

ART. 132. No withdrawals may be made either from the principal current account or the special new account if they have not for their purpose the reimbursement of the treasury for expenses for reclamation works of the first and second classes.

CHAPTER III. REIMBURSEMENT OF THE TREASURY FOR SUMS ADVANCED.

ART. 133. To each order issued by the minister of public works on account of expenditures for reclamation works shall be joined a statement showing the number of the sum in the budget, the number of the order, the date of its issue and payment by the direction general of the treasury, the given and surname of the payee, the object of the expense, and the amount.

In the list shall be plainly shown whether the sum to be reimbursed to the treasury by the Bank of Deposits and Loans shall be charged to the principal current account or to the special current account.

ART. 134. The central treasury and the section of the provincial treasury, as soon as the payment of the above mentioned orders has been made, shall transmit to the Bank of Deposits and Loans the statement which is provided for in the preceding article, with a statement of the date when the order there described was regularly extinguished. This statement shall be signed by the direction general of the treasury for the orders paid by the central treasury and shall bear the signatures of the respective delegates of the treasury for those paid by sections of the provincial treasury.

ART. 135. For the payment of expenses arising from reclamation works collective orders may not be issued by the minister of public works.

ART. 136. Upon receiving the statement with the information called for in the preceding article 134, the Bank of Deposits and Loans shall pay to the treasury the corresponding sum upon the account of the fund for the payment of orders, and inform the minister of public works.

ART. 137. This payment to the treasury shall be made by means of sending, on the part of the above mentioned bank, a special order to be exchanged for a treasury receipt to be placed under the heading prescribed in the budget as an income in class 4 with the following note "Sums to be withdrawn in the current

account by the Bank of Deposits and Loans composed of contributions designed for extraordinary works of reclamation—articles 67 and 68 of the law.”

ART. 128. The Bank of Deposits and Loans shall keep notes in addition to those showing the amounts, showing the purposes of the payments made to the treasury, making a distinction between those to be charged to the principal current account and those to be charged to the special current account in order to be able to give an account of the funds.

CHAPTER IV. CONTRIBUTIONS AND COLLECTIONS.

ART. 139. In case reclamation work is carried on under a concession the financial plan which accompanies the application shall show among other things the manner and terms in which shall be paid the tenths respectively due from the provincial administration, the communal administrations, and the interested proprietors.

ART. 140. The interest, at 4 per cent, to be paid by the State in case of concessions and advances for works of reclamation is intended to be net and shall be computed on the six-tenths of the cost of the works charged to State at the completion of the general or partial inspection of the works and the determination of the payments actually made.

The amount to be paid shall be checked by the report of the above mentioned inspection, on the basis of which the payments are made, and by a statement from the contractors showing the amount actually received.

The sums paid under this title are to be reimbursed to the treasury by the Bank of Deposits and Loans in a special current account and in accordance with the formalities prescribed in the preceding article.

ART. 141. The minister of public works shall collect the information necessary to determine the provisional share due from proprietors for contributions on the basis of article 39 of the law and shall establish the apportionment by agreement with the ministry of the treasury, which shall provide for the collection of the same.

ART. 142. When during the period of the collection of the provisional shares provided for in the preceding article the new assessment rolls established by law of March 1, 1886, and January 21, 1897, are not in force in the several provinces interested, the provisional apportionment shall be revised for a new assessment roll under the same rules as the first apportionment.

ART. 143. Upon the completion of a reclamation work or one of the sections into which it is divided in accordance with articles 8 and 50 of the law the minister of public works shall give notice by means of the prefects to the provinces and the communes interested in the reclamation, also to the association organized for the maintenance of the same, of the variations, either increasing or diminishing, which, following the final determination of the expenses actually made, will be taken into account in determining the amounts of the contributions which, according to the terms of the first paragraph of article 6 of the above mentioned law, the provinces, the communes, and the possessors of land included within the boundaries of the reclamation, are obliged to pay to the State or in its stead to the contractors who have built the works.

At the same time a communication shall be made to the minister of the treasury stating the changes in the collections to be made at the time established for the payment.

ART. 144. There are subject to the provisions of the present title, the associations for reclamation of the first class, obligatory associations for reclamation of the second class, and those voluntary associations which have taken advantage of the provision of article 19 of the law and given to the minister of finance

through the prefect the statement of their wish to collect their contributions according to the forms and privileges of the land tax, within the terms of article 55 of the same law.

After this declaration and after ascertaining the regularity of their organization there shall be granted, on the proposal of the ministry of finance and by means of a royal decree, to the voluntary associations above mentioned, the right to collect their contributions according to the terms and with the privileges of the land taxes.

The provisions of the present title concerning the administrative deputation are intended to apply to the boards, under whatever name, of voluntary associations which are charged with the ordinary administration.

ART. 145. The administrative deputation shall keep a register of the property subject to contribution, divided into as many sections as there are communes in which the properties are situated, and with each section subdivided into two parts, one relating to lands the other to buildings.

Each property shall be registered with the given and surname of the proprietor, a statement of the area, the census number and any other information necessary for a perfect identification.

There shall be also registered for each census division of land and also for each building an estimate or the tax imposable according to the government assessment rolls.

The administrative deputation shall note on the above mentioned assessment register all the changes which shall be reported to them.

It shall also, before beginning the formation of the annual lists for the association contributions, examine the assessment books kept in the office of the census, and note on the above mentioned register all the changes in ownership which are shown.

In associations for reclamation works of the second class the administrative deputations shall introduce the changes above indicated in the lists of the properties interested, which form a part of the general plans if they are obligatory associations, or in the lists indicated in article 94 of the present regulation if they are voluntary associations.

ART. 146. The offices of the assessors shall furnish all the information they possess which is necessary for the keeping of the lists of the properties interested and the assessment registers of the associations and for the compiling of the lists of contributions by means of which are to be reimbursed the expenses actually incurred.

ART. 147. The annual lists of association contributions shall be made separately for each commune and, with the signature of the administrative deputation or its president, shall be sent to the prefect who shall make them collectable after having determined the agreement of the payments with the budget previously and regularly approved by the association.

When there has been published in each of the communes the part which refers to that commune in the manner and according to the terms established by the rules governing direct taxes, they shall be given to the collectors of the associations within the first fifteen days of January in each year.

ART. 148. Within three months from the publication of the lists any interested party may apply to the administrative deputation for the correction of the material errors which may have been made in their formation.

These applications do not suspend the collection of contributions, but give the right to be reimbursed in so far as they are improperly paid.

From the decisions of the administrative deputation appeal may be taken to the provincial administrative junta.

ART. 149. The collection of the association contributions shall be made by a special collector of the associations or by the collectors of direct taxes, as is determined by the administrative deputations.

ART. 150. When it wishes to commit the collection to the collectors of direct taxes an administrative deputation shall give notice to the prefect of the province in which are situated the properties subject to contribution, furnishing all the data which is necessary to the making of contracts with collectors.

This information shall be given in time so that the parties named as collectors of direct taxes may be obligated also for the collection of the association contributions.

The duty of making these collections shall continue throughout the terms of the said collectors and the commission shall be the same as that established for the collection of direct taxes.

ART. 151. The special collectors shall be paid a commission and shall be responsible at their own risk and danger for the contributions not collected.

ART. 152. The manner of appointing special collectors, when not established in the statute, shall be determined by the administrative deputation, which shall fix also the commission to be paid, the term of office, and the other conditions of the contract.

ART. 153. The naming of a special collector and the contract relative to collecting are subject to the approval of the prefect.

ART. 154. The special collector or the collector of direct taxes to whom is committed the collection of the association contributions may also be charged with the office of cashier of the association.

ART. 155. The appointment of the special collector shall be made not later than the end of October of the year preceding that in which shall commence the collection of the contributions or of the year within which shall end the term of office of the collector or collectors then in office.

ART. 156. If the administrative deputation does not provide for the collection of the association contributions according to the preceding articles 149 and 150, the prefect shall ex officio appoint a special collector or shall commit when it is possible the collection of the association contributions to the collector or collectors of direct taxes, providing also, when this is the case, for the regular performance of the duties of cashier.

ART. 157. The special collector, before his name is submitted for the approval of the prefect, shall state whether he will accept and guaranty his acceptance by a deposit of money or consolidated bonds for the sum established in the agreement.

The association is pledged to the collector only when his appointment has been made final by the approval of the prefect.

ART. 158. The special collector, before assuming office and not later than one month from his appointment, shall present a guaranty of consolidated bonds of the state, or by deposit of bonds of the same kind or by paying into the Bank of Deposits and Loans a sum corresponding to one share of the association contributions.

When the special collector is also charged with the duties of cashier he shall present another guaranty in a measure to be determined by the statute of the association.

The public bonds shall be valued according to the average market value for the six months preceding that in which the guaranty is presented and shall be computed only for nine-tenths of that value.

ART. 159. If the special collector does not present a guaranty in the measure and within the time established he shall be deprived of the appointment accord-

ing to the provisions of article 157 of the present regulations, and shall be responsible for all damages and expenses.

ART. 160. If, during the contract for the collection, the bonds given as a guaranty shall diminish in value or the guaranty shall for any cause lose its value in whole or in part, or the amount of the annual contributions increase in such a manner that the guaranty does not correspond to one share of them, the collector shall give additional guaranties within the term indicated in the notice which shall be sent to him.

This term shall not be greater than one month and shall begin on the day on which notice is sent.

If the collector fails to send within this term the amount necessary to restore or complete his guaranty the administrative deputation may request the prefect to remove the collector and to nominate in a provisional way a supervisor to discharge the duties of the collector.

If the administrative deputation fails to ask for this provision, the prefect may make it *ex officio*.

ART. 161. The association contributions are payable annually in one or more shares, according to the provisions of the statute of the association, in which also shall be determined the time when each share is due.

The statute may also provide that the determination of the shares and the times when they shall be due shall be determined by the general assembly or by the council of delegates.

ART. 162. The collector of an association shall within 12 days of the time each share is due place at the disposition of the association or turn over to the association cashier if he is not also charged with those duties the entire amount of the installments due.

In case of delay in turning over the money above mentioned or in the payment of the orders issued by the administration of the association, the collector shall pay to the association a fine of 0.04 lire for each lire not turned over or paid.

ART. 163. In regard to the performance of the duties of collector, if the guaranty is composed of a deposit of money, the prefect shall authorize the bank in which it is deposited to pay the association or its representative the sum due to it from the collector.

ART. 164. When it is necessary to proceed against the collector in an action for debt, when he has not turned over the money when due or has committed any abuse in the exercise of his duties, the administrative deputation of the association shall refer the matter to the prefect to make such provision as is within his power, according to article 96 of the law, April 20, 1871.

ART. 165. In all cases where it is not otherwise provided in the present regulations, the making and keeping of the assessment register, the apportionment of the association contributions shall be according to the rules of the law and the regulations in force for land taxes.

ART. 166. When an association applies for a loan or is in debt to the Bank of Deposits and Loans, the time for the payment of the association contributions shall be the same as those for the taxes on lands and buildings and, except when the association lands are comprised within the limits of a single commune, the appointment of a special collector shall be obligatory. In case the administrative deputation delays in this appointment it shall be provided for according to article 56 of the present regulations.

ART. 167. After the turning over of reclamation works to an association for maintenance the last collection of the contribution due from proprietors for the construction of the works shall be made, where not otherwise provided, by the collector of the association for maintenance in the manner and times and

with the percentages established for the collection of the taxes for maintenance.

Except where special provisions are made, the collector shall within 12 days from the date on which each share is due, turn over the sum collected under the authority of the above title to the section of the provincial treasury, if the contribution is due to the State on account of having executed directly the reclamation works, or otherwise to the grantee of the concession.

The prefect shall not approve the provisions and the contracts relative to the appointment of a special collector if they do not contain an obligation for the collector to collect, together with the association taxes and under the conditions regarding the same, the said contribution and for its turning over at the above established time.

TITLE IV. POLICE PROVISIONS.

CHAPTER I. PROVISIONS FOR THE GUARDING OF RECLAMATION WORKS AND THEIR APPURTENANCES.

SECTION I. ACTS PROHIBITED, AND THOSE FOR WHICH PREVIOUS AUTHORIZATION IS NECESSARY.

ART. 168. No one may, without regular permission according to the following article 172, build any works within the space comprised between the banks fixed for the water courses, natural or artificial, belonging to reclamation projects and not contemplated in article 165 of the law of March 20, 1865, on public works, even if they are sometimes dry during the year, or on the embankments, roads, or other parts of the same reclamation works.

In case of contest regarding the line or lines to which are extended this prohibition, the matters shall be decided by the prefect in a conference of those interested.

ART. 169. The following works or acts are strictly forbidden in or on the above mentioned water courses, roads, banks, and other works of reclamation:

(a) Planting of trees or hedges, building of structures, the removal of earth from the inside or outside foot of the banks or other accessories, from the sides of canals not provided with embankments, or from the slopes of roads at a distance of less than 2 meters for the planting; 1 to 2 meters for hedges and for the removal of earth; and 4 to 10 meters for buildings, depending upon the importance of the water course.

(b) The opening of canals, ditches, or excavations in lateral ground at a distance less than their depth from the bottom of the banks or their accessories, or from the banks and above mentioned slopes. Such a distance can never be less than 2 meters, although the excavation of the earth may be less than that depth.

Nevertheless, plants and hedges already in existence, which, through a new work of reclamation, are brought within a less distance, shall be allowed to remain if they do no damage; but if they die, they can not be replaced within the distance above mentioned.

(c) Brickyards or factories for metal work at a distance less than 50 meters from the foot of the banks, slopes, or embankments above mentioned.

(d) Any opening of a canal, temporary or permanent, which can cause standing water, produce a swamp, modifying the condition of the reclamation works, or in any way change the hydraulic regime of said reclamation project.

(e) Any work or action that can modify the state, form, dimension, resistance, or convenience for the use to which the banks and their accessories and attached structures are destined, or that may indirectly damage water courses, roads, or crops of any nature depending upon the reclamation project.

(f) Any obstruction, total or partial, of a reclamation canal by throwing therein earth, stones, herbs, impure water or materials, or poisonous or putrefied refuse, which may produce infection in the air or poisoning of the water.

(g) Any deposit of earth or other matter that may by chance be carried into the canal, at a less distance than 10 meters from the above mentioned water courses.

(h) Any obstruction or deposit of matter on the reclamation roads or their branches.

(i) The burning of stubble in the fields in heaps within such a distance as might damage works, crops, or any appurtenances of said works.

ART. 170. The following works or actions affecting a work of reclamation are forbidden to those who have not obtained regular concession or permission in accordance with the following arts. 172 and 173:

(a) Dams, obstructions, or any work that could in any manner affect the free flowing of water in the water courses not included in article 165 of the law of March 20, 1865, on public works, and belonging to a reclamation project.

(b) Planting on banks or embankments of the above mentioned water courses or on the level or sloping banks and along the roads which are a part of the reclamation work.

(c) Uprooting and burning of trees, either dry or green, which sustain the banks of the water courses.

(d) Changes or modifications in works of defense for the banks of the water courses or in any other kind of structures appertaining thereto.

(e) Fishing by any means in the water courses, navigation of the same by pleasure boats, sandals, or otherwise, or crossing on foot or on horseback or by any other means of transportation, the said water courses or banks, or the passage of live stock of any kind.

Fishing is allowed only by those means and in those places where it is at present practiced in accordance with the regulations in force.

(f) Pasturing of live stock on the banks or accessories, or on the banks, slopes, or tow paths of the water courses and their accessories or along the roads; watering of live stock of any kind except where there are drinking places specially constructed.

(g) Any opening, cutting, or structure, or, in general, any change in the banks or embankments of water courses for the purpose of diverting water for the benefit of adjoining lands or for any purpose whatever.

(h) Any change in the sluices or diversion gates already existing by concession or by any other right, in the water courses that are a part of the reclamation project, for the purpose of raising the said sluices or waste weirs, reducing the section of the drain canal or raising the sills of diversion gates with the object of raising permanently or temporarily the level of the water or of placing new obstructions to their flow.

(i) Soaking of hemp, flax, or similar articles in stagnant or running water, public or private, included within the boundary of the reclamation project except in places where it is now permitted.

(k) Opening of new ditches for the soaking of hemp, flax, or similar articles, or enlarging those already in existence.

(l) Establishment of new rice fields.

(m) Formation of inclined slopes in order to reach the drinking places or the

crossings over the water courses of reclamation projects; also the construction of bridges across the said water courses for the benefit of adjoining lands.

(*n*) Removal of stones, sand, gravel, or other material from water courses of reclamation projects; any rights for such removals may be restricted or recalled whenever it is known that they are damaging the successful water regime or public or private interests.

SECTION II. CONCESSIONS AND LICENSES.

ART. 171. A concession is necessary for the works or actions provided for in letters *a*, *b*, *d*, *g*, *h*, and *k* of the preceding article 170.

On the other hand, the works or actions provided for in letters *c*, *e*, *f*, *i*, *l*, *m*, and *n* of the said article are permitted by a simple written license, with an obligation to observe the conditions prescribed in each case.

Agreements regularly made for the utilization of the products indicated in art. 14 of the law take the place of licenses provided for in this article.

ART. 172. The concessions or licenses required for the works or actions provided for in the preceding article 170 are issued as follows:

(*a*) By the prefect of the province, after consultation with the local board of civil engineers, when a work of reclamation in course of execution by the State directly is involved.

(*b*) By the same prefect, after consultation with the board of civil engineers and the grantee, in the case of a project in course of execution under a concession.

(*c*) By the association interested, after consultation with the board of civil engineers, for reclamation works in use.

ART. 173. Concessions or licenses may not be granted for periods longer than 30 years, and the payment for such concession or license may be made in annual installments.

It will not be necessary to repeat them in the agreements, but these concessions or licenses are in all cases given:

(*a*) Without prejudice to the rights of others.

(*b*) With the obligation of repairing all damages arising from the works or actions permitted.

(*c*) With the power in the grantor to revoke, recall, modify, or impose other conditions.

(*d*) With the obligation of faithfully observing all the regulations of the law and the present regulations.

(*e*) With the obligation to pay all expenses of contracting, registering, and filing mortgages necessary on account of the nature of the concession; copies of documents, etc.

(*f*) With the obligation of removing works and restoring things to their former condition at the termination of the concession or, in case they must be abandoned, before that time.

The prefect must communicate to the board of civil engineers and the association to its engineer, copies of all concessions or licenses granted by him

Those who have obtained a concession or license provided for in art. 171 must provide for its recording in the office of mortgages when they are by the agreement obliged to do so, and show it whenever requested to the agent charged with the supervision of the work of reclamation.

A concession may be renewed. For this purpose a grantee must make application to the prefect of the province or to the association in accordance with the various cases, at least three months before the expiration of the said concession.

ART. 174. With the written permission of the board of civil engineers when a

reclamation project executed by the State is concerned; with the written permission of the grantee, when a reclamation executed under a concession is concerned; or of the association for maintenance of the reclamation works, private persons may open in the banks of a reclamation ditch or canal the necessary outlet gates for the drainage of their lands.

Private persons must construct, at their own expense and in accordance with the formalities prescribed in the written permission, the necessary bridges over these discharging gates for the continuation of the tow path.

SECTION III. OBLIGATIONS OF OWNERS OF LANDS INCLUDED IN A RECLAMATION PROJECT.

ART. 175. Within the limits allowed by the civil code it is permitted to private persons to irrigate their lands with the water of their ditches not included among those of the reclamation project, but they must attend to the effective closing of the diversion gates when the need of keeping them open ceases, and to provide, by means of discharge canals, for the quickest possible removal of waters exceeding the needs of irrigation, executing and maintaining in good order such canals.

ART. 176. Owners or renters of lands included within the boundaries of a reclamation project must—

(a) Always keep clean the ditches that bound or divide the above mentioned lands, the openings between piers of bridges, and the discharge gates in the collecting canals of the reclamation project.

(b) Open all the new canals or ditches that are necessary for the regular drainage of all the water which collects or stands on the said lands.

(c) Remove, at least twice a year, in the months of April and September, or at more appropriate times, according to the different regions, all vegetation which grows in these ditches.

(d) Keep the gates and sluices clean.

(e) Leave free along the canals or association drains not provided with banks, a strip 1 or 2 meters wide on either side, according to the importance of the water course, for the deposit of materials removed in cleaning and other works of maintenance.

(f) Remove immediately trees, trunks, branches or other plants near the canals and roads that, by the wind or by any other means, have fallen into the water course or on the above mentioned roads.

(g) Cut the branches of the plants and hedges placed on their lands next the water courses and roads that by overhanging these water courses or roads may render the service difficult or obstruct passage.

(h) Maintain in good condition the bridges and other structures for the special and private use of one or more owners or renters.

CHAPTER II. OFFENSES.

SECTION I. OFFENSES AND PENALTIES ATTACHED.

ART. 177. The cutting or breaking of the banks of reclamation canals or the embankments surrounding filled land, or the defences of reclamation works and those for draining water from outside the reclamation areas into reclamation canals, are punishable according to the provisions of the penal law in force.

ART. 178. Offenses against the provisions of art. 169 of the present regulations are punishable by imprisonment for not more than 5 days and by a fine not greater than 500 lire, in accordance with article 374 of the law of March 20, 1865, Appendix F, on Public Works.

ART. 179. The fines for other offenses are as follows :

(1) A fine of 20 to 150 lire for having made works or committed acts for which a concession was required, in accordance with the preceding art. 171, or for not having observed the regulations stipulated or the prohibitions imposed by the authorities or others having the power to grant concessions.

(2) A fine of 10 to 100 lire for every work or act for which a license in advance was required, according to the above mentioned article, or for not having observed the conditions imposed by the authorities or others having the right to grant concessions.

(3) A fine of 0.5 to 5 lire, according to whether it is sheep, goats, or large live stock, for each animal abandoned or left without custody or with insufficient custody, on the banks of a canal or on bottom lands, filled lands, or protective structures of reclamation works. But in the case of only one sheep, the fine may not be less than 1 lire, and whatever may be the number of beasts, the fine may not exceed 300 lire.

In case of a repetition of an offense, for each offense provided for in articles 1, 2, and 3 of the present regulations there shall be imposed a penalty not less than double the amount imposed for the preceding offense.

ART. 180. For all other offenses against the regulations contained in the present title, against the regulations or the orders of the authorities or of other competent persons, as stated in article 172, and not included in the preceding article 179, shall be imposed the penalties provided by the criminal code for offenses, according to article 375 of the law of March 20, 1865, Appendix F, on Public Works.

ART. 181. Failures to observe the conditions or prescriptions contained in concessions or licenses shall be subject to the penalties that would have been imposed had a concession or license not been obtained, not taking into consideration the greater penalties that shall be provided in the act of concession or license.

ART. 182. One-fourth of the amount collected for fines for offenses under the preceding articles and the payments provided for in article 144 shall be given to the agent who has apprehended the offender.

ART. 183. In addition to the above mentioned penalty and the sequestration of the property connected with the offense, there is always reserved to the parties damaged the right to reimbursement for damages according to the civil law.

ART. 184. In cases of violations of the provisions of articles 169, 170 letters *a, b, c, d, g, h, and k*, and 177, the offender shall be ordered to desist from the work and if he fails to do so, he shall be stopped by the police, who shall assist the agent authorized to apprehend the offender, on the request of such agent.

SECTION II. INVESTIGATION OF OFFENSES AND ACCOMPANYING PROCEDURE.

ART. 185. The procedure for the investigation of an offense, as provided in the following article, may be taken up by a sworn agent of the administration of the State, province, commune, or association, as well as by special royal police.

For this purpose the technical force of supervision or of custody appointed by the provinces, communes, or associations of concessions or of maintenance, shall be obliged to take the oath before the chief engineer of the board of civil engineers of the provinces in whose territory is the reclamation project or the greater part thereof, or before the mayor of the commune where the agent lives.

ART. 186. The report of the investigation of an offense shall be written upon untaxed paper, and must contain—

(1) The time and place of writing.

(2) The full name, occupation, and residence of the person making the report.

(3) A statement of the acts constituting the offense, giving the place where committed, and, if possible, the time and circumstances of the offense, as well as the proof or indications as to the character of the offender, if possible.

(4) The full name, occupation, and residence of the offender or offenders, when these are known to the agent who apprehends the offender; and the declarations of the offender or offenders if they were present at the time of the investigation of the offense. These declarations may be signed by the offender or offenders if they desire to do so.

(5) The same facts enumerated in the preceding paragraph, concerning persons who, in accordance with articles 1153 and 1154 of the civil code, shall be responsible civilly, both for actions of the offender and for the damages arising from the offense.

(6) Enumeration and description of the articles involved in the offense and sequestered, when possible.

(7) The summons made and the remedies adopted in accordance with the preceding article 184.

The report shall be signed by those who have apprehended the offender and if these can not write, the report shall be prepared and signed by their superior officers or by the secretary of the commune in whose territory the offense was committed.

ART. 187. If, in investigating an offense, objects or animals have been sequestered, the corresponding reports are sent within 24 hours, together with the objects sequestered, to the mayor of the commune in which the offense was committed.

If objects or animals are not sequestered, the reports are sent directly to the board of civil engineers when a reclamation project executed by the State is involved; to the grantee if a project built under a concession is involved; and to the association if the maintenance of reclamation works is involved.

The board of civil engineers, the grantee, or the association, respectively, shall send the above mentioned reports, with their recommendations, to the prefect of the province in which the offense was committed, with their estimate of the amount necessary to reimburse damages and the value of the objects removed or destroyed.

ART. 188. The mayor may restore to the offender the objects sequestered upon a sufficient guarantee for the payment of penalties, damages, and expenses that he may be required to pay; or may commit them to the custody of the communal secretary; and, in the case of animals, it may be ordered that they shall be kept otherwise as a guaranty for the penalties, indemnities, and expenses, in accordance with the code of penal procedure.

The mayor shall send all documents to the prefect without delay.

ART. 189. The prefect shall consult the board of civil engineers, and, if he thinks necessary, shall interrogate the offender, and shall order that conditions be restored to their former state, providing all other remedies necessary for such execution.

By the same decree the prefect shall provide the terms under which the offender must carry out the orders, and if he does not observe these, the work of construction may be done *ex officio* but at his expense.

The execution *ex officio* can be carried out immediately and without the necessity of an order to the offender, in cases of emergency or if the offender is not known. In case of resistance, the help of the police can be invoked.

The prefect shall institute penal actions against offenders when he thinks necessary or advisable.

ART. 190. The prefect, having interrogated the offender through the mayor of the place where he lives, shall provide for the payment by the offender of

the expenses of the documents and for the execution of the work *ex officio*, providing for the collection in the manner and with the privileges of public taxes.

ART. 191. The service of the order, decree, or other acts ordered by the prefect shall be made by the agent of the commune or of the public administration whose duty it is to make such service.

ART. 192. Appeal from the decree of the prefect to the next higher authority is allowed within 20 days, in conformity with the administrative law.

ART. 193. The proper construction of works ordered, in case they are made by the offender, is supervised by the board of civil engineers for works executed by the State; by the technical office for those executed by grantees; and by the associations for maintenance. Executions, *ex officio* are similarly provided for, in accordance with the decree of the prefect.

ART. 194. Up to the time that final sentence by the highest authority is announced, the bond of the offender may be accepted, in a sum equal to the possible fines. But this shall not include the expenses of the procedure nor those incurred, when necessary, for the restoration of things to their former condition, nor for other remedies ordered by the authorities.

The prefect, with the consent of those upon whom the reclamation work depends, may accept or reject this tender, through a special decree. In case of acceptance, the offender is obliged to pay immediately the expenses already incurred and to make a statement binding himself to pay those to be incurred, by means of a note to be rendered payable by the prefect.

The acceptance of this bond excludes all further action.

CHAPTER III. SPECIAL REGULATIONS.

ART. 195. The regulations and provisions formerly in force in police matters, issued by defunct governments, as far as provided in this title, are revoked, with the exception of the following of local character:

(1) The regulations of November 19, 1817, for the policing of reclamation works in the marshes of Naples, Volla, and the surrounding country.

(2) The regulations of June 22, 1833, for the policing of reclamation works of the Regi Lagni, only in so far as they affect the operation and control of the maceration of textile plants in the canals and laterals of said canals of the Regi Lagni.

For such operations all regulations in effect for the assessment and collection of the taxes paid by the proprietor or by the renter of all maceration canals shall remain in force.

(3) Special regulations of existing associations for policing, duly approved, in so far as they are not in opposition to the provisions of the present title, shall remain in force.

ART. 196. All provisions of the present title shall be applied equally to all reclamation projects of the first and second classes, already executed, in course of execution, or to be executed.

TITLE V. COMMISSION OF INSPECTION AND GENERAL REGULATIONS.

CHAPTER I. COMMISSION OF INSPECTION.

ART. 197. The inspection commission provided for by art. 13 of the law is presided over by the prefect of the province in which is located the greater area of land to be reclaimed.

The provincial council of the said province shall appoint a provincial representative to the commission at its first meeting after the request of the prefect.

ARR. 198. For the appointment of the two representatives of the communes the following regulations shall be observed:

If the boundary of the project includes only one commune, then the appointment of the two representatives shall be made by the communal council. If there are two communes included in the project, the council of each shall appoint one representative. If there are more than two communes, the provisions of the following articles shall be observed:

ARR. 199. The prefect who is president of the commission shall call a meeting of the councils of the communes interested in the project, included in his province, in order that they may proceed to the appointment of three councilors each. These, together with those appointed by the other communal councils, shall subsequently proceed to the election of two representatives to represent the communes interested, in the commission.

In the communes of other provinces interested in the project, meetings shall be called by the respective prefects upon the request of the prefect who is president of the commission. Reports showing the results of these meetings shall be sent at once to the president-prefect, who, after verifying the regularity of the balloting, shall, within 30 days, call the councilors so elected together in order that they may proceed to the election of representatives, stating the time and place of the meeting.

The call shall be made by means of a written notice sent to the elected councilors personally. The prefect shall send these notices of the call to the mayors and the mayors shall see that they are delivered to the homes of those to whom they are addressed, by means of the communal messengers.

In the notice shall be fixed the day of the second meeting in case the first is a failure.

ARR. 200. The communal secretary of the place, the secretary of the association, or a secretary of the prefecture or subprefecture shall assist at the meeting, according as the meeting is held in the office of the commune, an interested association, or the prefecture or subprefecture.

The presence and the participation in the voting of a majority of the total number of representatives of the communes is necessary to the validity of the proceedings and balloting.

The secretary shall inscribe the names of those present as they enter. The oldest shall be the temporary president and appoints the three youngest to act as temporary tellers, but not more than one of them may be from the commune to which the president belongs; and in no case can three councilors from the same commune be appointed tellers.

ARR. 201. If within an hour after that appointed for the meeting, the legal number is not present, the meeting is considered to be a failure. The secretary present shall note this failure by a record in the minutes, and that day or the day following shall send it to the prefect who made the call.

A second meeting is valid whatever number shall be present, but must represent a majority of the communes interested.

When it has been ascertained that a quorum is present, whether at the first or second meeting, they shall proceed to the election of permanent officers, and, after these officers have taken their places, to the election, by secret ballot, of two representatives.

Two shall be chosen by lot to succeed them in the case provided for in the following article.

Those are considered elected who have obtained the greatest number of votes and, in case of a tie, the oldest.

If the second call is also a failure, the two representatives shall be appointed by the prefect.

ART. 202. The representatives of the provinces and the communes must comply with the conditions prescribed by the communal and provincial law for the eligibility of the provincial and communal councilors respectively.

The services of those composing the commission are gratuitous, but they may be reimbursed at the charge of the reclamation fund for expenses incurred in the fulfillment of their duties. The payment shall be made by the prefect.

In case of death or resignation or loss of eligibility, the provincial council, if a provincial representative is concerned, shall proceed to a new election.

If the representatives of the communes are concerned, the two substitutes elected in the meeting of councilors of the communes shall take office, according to the number of votes cast. In case representatives shall be appointed by the prefect, the said prefect shall provide for their successors.

ART. 203. For the appointment to the commission of two representatives of the owners interested, the regulations provided for in the following articles shall be observed, according as projects are executed directly by the State, by grantees, by provinces, by communes, or, under a concession by the associations interested.

ART. 204. In a project executed by the State directly or under a concession by provinces or communes, when all of the land to be reclaimed is included in one or more associations legally organized—

(a) The election of two representatives of the owners interested, to the commission, shall be made by the council of representatives of the association, if the territory of the association includes the entire area to be drained.

(b) If there are two associations comprising the whole area to be reclaimed, the council of representatives of each shall elect its own representative.

(c) If there are more than two associations comprising the area, the respective councils of representatives shall proceed in the manner prescribed in the preceding article for the election of representatives of the communes.

ART. 205. When the whole area to be reclaimed is not included within associations legally organized, the prefect convokes the proprietors not organized, including among them the owners of lands within an association which is for the greatest part outside the boundaries of the area reclaimed, as provided in paragraph 2 of article 47 of the present regulations, in one or more assemblies according to the number of the proprietors, distances, and ease of access, in order to proceed to the election of one or more groups of three electors, who, joined to the groups elected by the associations, shall elect two representatives.

At the same time the councils of representatives of the associations shall elect, on their part, one or more groups of three electors for the same purpose.

ART. 206. The number of groups of three electors to be elected by the interested parties respectively and by the associations is determined by the prefect finally, after having sought the advice of the provincial administrative junta, according to the area of land organized into associations or not organized, so that both owners not members of associations and associations shall participate in the groups in the most just proportion.

In proceeding to the said determination, the prefect must be careful to limit such groups to the least possible number, for the purpose of establishing an adequate proportion between the class of electors to be chosen by private persons and the class of electors to be chosen by associations.

ART. 207. When within the boundaries of the area there are no associations legally organized, interested parties shall be convoked in the communes in which they reside, and if they reside in communes outside of the area of reclama-

mation, they shall be convoked in the communes in which is situated the greater part of their lands, to proceed—

(a) To the direct election of two representatives, if they all belong to one commune.

(b) To the election of one representative if there are two communes.

(c) To the election of a group of three electors for each communal assembly if there are more than two communes.

A majority vote shall constitute a choice in every case.

ART. 208. Proprietors belonging to a commune the territory of which is not more than 10 per cent of the area of a reclamation project, and who are at the same time not more than twenty, vote for the election of representatives or electors in the commune whose territory adjoins that in which their lands lie. In case these lands border more than one commune, they vote in the commune of their choice, but they may not vote in more than one commune.

ART. 209. In reclamation projects executed under concessions by associations in the manner prescribed in Chapter III of Title I of the present regulations, the regulations of the preceding article shall be followed, with this difference—that the direct election of representatives or the selection of electors by associations to nominate them, is committed to the general assemblies convoked in accordance with the respective statutes, rather than to the councils of representatives.

ART. 210. The assembly of the elected parties is convoked by the prefect in the manner prescribed by articles 199, 200, and 201.

ART. 211. The commission as a whole shall visit the works at least once a year and note the progress and the conformity to the approved plan.

Special visits may be made by individual members chosen by the commission from among its members.

The names of the representatives are communicated to the contractors, who are obliged to allow them to visit the works freely, giving them all explanations and information that they may request. The observations of representatives upon the works shall be communicated to the commission, which shall transmit them, together with such observations of its own as it may deem necessary, to the minister of public works in its annual report, or, if it is considered necessary, in a special report.

ART. 212. The commission appoints each year a person who shall prepare its annual report upon the works, for the period from January 1 to December 31 of each year.

The report, approved by the commission and signed by the president and by the compiler, shall be sent to the minister not later than March 31 of the year next following that to which it refers.

ART. 213. With the delivery of a reclamation project to the association for maintenance the work of the inspection commission ceases and the commission turns over to the administration of said association all documents, which it shall preserve.

CHAPTER II. GENERAL PROVISIONS.

ART. 214. All duties assigned by the present regulations to representatives, to administrators of the associations for construction or maintenance, as well as to representatives of provinces and communes, are to be performed gratuitously. They involve the right, however, of reimbursement for expenses incurred in their performance, and these expenses must be paid by the associations, provinces, and communes respectively.

The length of the term of office of representatives may be determined when they are elected or in the association statutes.

The provisions established for elections shall be followed for necessary substitutions.

ART. 215. In the compilation of working plans, the compiler of these plans shall ascertain the actual state of the payments provided for in article 14 of the law, and make an estimate of the payments which may be expected in the future, and these amounts shall be taken into account in the compiling of the plans.

At the time of the final inspection of the works the status of these payments shall be determined again, and an estimate of future payments shall be made, in order that these may be consigned to the association for maintenance at the same time that the works are turned over to this association.

The income from such payments shall be recorded under a special heading in the accounts of the association for maintenance. At the same time it shall be kept under a special heading in the record of expenditures. In the annual statement the reasons for any increase or decrease which is shown shall be given.

ART. 216. The agreements actually in force for payments for plants or for fishing, or for anything else within the area of the reclamation project to be executed in accordance with the law, no matter by what persons made, shall cease at their natural expiration or at the time agreed upon or understood at the time the present regulations become operative.

In new agreements it must be stated, and it is always understood as though stated, that the agreement shall cease by full right at the time when the contractor begins work, if the reclamation is executed directly by the State; when the decree of concession is signed, when the execution of the work is to be made under concession. From that time the incomes shall be used for the benefit of the grantor, who must apply them to the diminution of the total expense.

ART. 217. When the execution of a reclamation work is provided for by means of private bidding, in accordance with article 62 of the law the administration shall state in its decree that the bids were sealed, giving also the highest and lowest bids offered.

ART. 218. In special agreements for the execution or maintenance of a reclamation project the necessary regulations are established in accordance with conditions, as follows:

(a) Upon the seasons when work shall be suspended and water turned into the canals and ditches, and into the areas being warped.

(b) Upon the mixture of fresh and salt water.

(c) Upon the hours when the workmen shall not work.

(d) Upon the places where it is necessary to construct buildings for the housing of the workmen.

(e) Upon any other matters for which regulations are necessary to protect the public health or that of the workmen.

ART. 219. Reclamation associations or those for construction or maintenance already existing are continued, but within the term of two years from the approval and publication of the decree approving the present regulations they must modify their statutes to conform with the provisions of the present regulations. After the expiration of this term the ministry shall provide for such modification, after consultation with the council of public works and with the council of state.

ART. 220. Associations at present existing for the construction of reclamation works already in course of execution, shall continue to act according to the

regulations in force for them. Maintenance associations regularly existing shall continue to act without the necessity of new organizations, but if the statutes by which they are regulated contain provisions contrary to those established by the present regulations, they must remedy the same in accordance with the regulations within two years from the publication of the decree approving the present regulations. If these modifications are not made, remedies shall be employed in accordance with the provisions of the preceding article.

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